

EXHIBIT

26

In The Matter Of:
TERRY LYNN KING
TONY PARKER, et al.

VIDEOTAPED VIDEOCONFERENCE DEPOSITION
September 24, 2021
OF IV TEAM MEMBER 1

Gibson Court Reporting
606 West Main Street
Suite 350
Knoxville, TN 37902



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VIDEOTAPED VIDEOCONFERENCE DEPOSITION
OF IV TEAM MEMBER 1

September 24, 2021

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

TERRY LYNN KING,)	
)	
Plaintiff,)	CAPITAL CASE
)	
vs.)	CASE NO.
)	3:18-CV-01234
TONY PARKER, et al.,)	
)	
Defendants.)	

APPEARANCES:

FOR THE PLAINTIFF:

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1 APPEARANCES: (Continued)

2 FOR THE DEFENDANTS:

3 ROBERT W. MITCHELL, ESQ.

4 SCOTT C. SUTHERLAND, ESQ.

5 DEAN S. ATYIA, ESQ.

Tennessee Attorney General's Office

6 P.O. Box 20207

Nashville, Tennessee 37202

7 ALSO PRESENT: David Jenkins, Videographer

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S T I P U L A T I O N S

The videotaped videoconference deposition of IV TEAM MEMBER 1, called as a witness at the instance of the Plaintiff, taken pursuant to all rules applicable to the Federal Rules of Civil Procedure by notice on the 24th day of September, 2021, at 9:58 a.m., before Rhonda S. Sansom, RPR, CRR, CRC, Licensed Court Reporter, pursuant to stipulation of counsel.

It being agreed that Rhonda S. Sansom, RPR, CRR, CRC, Licensed Court Reporter, may report the deposition in machine shorthand, afterwards reducing the same to typewriting.

All objections except as to the form of the questions are reserved to on or before the hearing.

It being further agreed that all formalities as to notice, caption, certificate, transmission, et cetera, including the reading of the completed deposition by the witness and the signature of the witness, are expressly waived.

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I N D E X	
E X A M I N A T I O N S	
IV TEAM MEMBER 1	PAGE
Examination by Mr. Sabis	5

E X H I B I T S
(No Exhibits Were Marked.)

**VIDEOTAPED VIDEOCONFERENCE DEPOSITION
OF IV TEAM MEMBER 1**

5

1 IV TEAM MEMBER 1,
2 having been first duly sworn, testified as follows:

3 EXAMINATION

4 BY MR. SABIS:

5 Q. Good morning. My name is Chris Sabis.
6 I'm an attorney with Sherrard Roe Voight & Harbison in
7 Nashville, Tennessee. And my colleagues and I
8 represent the plaintiff, Terry King, in King v. Parker,
9 which is currently pending in the Middle District of
10 Tennessee.

11 IV Team Member, thank you for taking the
12 time to appear and answer questions in this matter
13 today. You understand you're here today to answer
14 questions related to the King case; is that right?

15 A. Yes, sir.

16 Q. We're going to take this deposition on an
17 anonymous basis. What that means is I will not ask you
18 any questions intended to make you disclose your
19 identity or the identity of anyone else who takes part
20 in execution.

21 Is it okay if I refer to you as IV Team
22 Member?

23 A. Yes, sir.

24 Q. What is your understanding of what this
25 case is about?

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OF IV TEAM MEMBER 1**

6

1 A. About the execution procedures and
2 process.

3 Q. I would like to go over some ground rules
4 before we get started. Have you ever had your
5 deposition taken before?

6 A. Yes.

7 Q. How many times?

8 A. A couple.

9 Q. I'm sorry?

10 A. A couple.

11 Q. Did you say twelve?

12 A. A couple. Maybe two.

13 Q. Oh, a couple? Okay.

14 A. Maybe two -- yes, sir; maybe two or
15 three.

16 Q. I'm sorry, I apologize.

17 I apologize. The voice modulator
18 sometimes gives me a little trouble.

19 When -- when was the last deposition you
20 had taken?

21 A. Probably ten years ago.

22 Q. And what was that case about?

23 A. It was a criminal case.

24 Q. Were you accused of a crime in that case?

25 A. No, sir.

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7

1 Q. And what was the prior deposition about?

2 A. All of them would have been criminal
3 cases.

4 Q. Okay. And you were not accused of a
5 crime in either of those cases; is that right?

6 A. That is correct.

7 Q. Okay. Mr. Mitchell or Mr. Sutherland may
8 have already gone over some of these topics with you,
9 but I want to make sure that we're on the same page
10 with regard to what is going to happen today.

11 Do you understand that you are under
12 oath?

13 A. Yes, sir.

14 Q. You understand that means you need to
15 tell the truth to the best of your ability, correct?

16 A. That is correct.

17 Q. Is there any reason you cannot testify
18 truthfully and accurately today?

19 A. No, sir.

20 Q. Are you feeling ill?

21 A. No, sir.

22 Q. Are you taking any medication that would
23 affect your ability to recall facts or give accurate
24 testimony today?

25 A. No, sir.

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1 Q. Are you represented by counsel today?

2 A. Is that Mr. Sutherland?

3 Q. Is Mr. Sutherland your attorney?

4 A. No, I don't have an attorney.

5 Q. So you are not being represented.

6 Mr. Sutherland is here representing the State. Is that
7 fair?

8 A. Okay. Yes, sir.

9 Q. Is anyone --

10 MR. SUTHERLAND: Chris, he is -- he is,
11 for all practical purposes, represented by our
12 office.

13 MR. SABIS: Okay, Scott. Thank you for
14 the clarification.

15 THE WITNESS: Thank you.

16 BY MR. SABIS:

17 Q. Is anyone in the room with you, IV Team
18 Member?

19 A. No, sir.

20 Q. Please let us know if anyone comes into
21 the room with you at any point today, okay?

22 A. Yes, sir.

23 Q. Thank you. Even though this deposition
24 is being taken over Zoom, the court reporter is making
25 a record based on what you say. So you will need to

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OF IV TEAM MEMBER 1**

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1 respond to questions verbally, rather than head nods or
2 gestures. Also, please try to answer using words, as
3 opposed to sounds, so that the record is clear. Do you
4 understand?

5 A. Yes, sir.

6 Q. In order for the court reporter to
7 accurately record your testimony, please wait for me to
8 finish my question before you give an answer. And I
9 will try to do my best to do the same for you; I will
10 wait until you finish your answer before I ask my next
11 question. Do you understand?

12 A. Yes, sir.

13 Q. If you don't understand a question, just
14 let me know and I will clarify. I've been known to ask
15 a bad question before. I will not be offended.

16 If you answer a question, I will assume
17 that you understood it.

18 If you need to take a break, just let me
19 know. But if there's a question pending, please answer
20 the question before we go off the record. Do you
21 understand?

22 A. Yes, sir.

23 Q. Your lawyer may object to my questions
24 from time to time, but you will still need to answer my
25 question unless the objection is based on an assertion

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OF IV TEAM MEMBER 1**

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1 of attorney-client privilege or based on a statute. Do
2 you understand that?

3 A. Yes, sir.

4 Q. Do you have any questions about anything
5 I just discussed?

6 A. No, sir.

7 Q. What did you do to prepare for this
8 deposition?

9 A. I reviewed the execution protocols.

10 Q. Without telling me what you may have
11 spoken about, did you meet with attorneys to prepare
12 for this deposition?

13 A. I did.

14 Q. With who?

15 A. Mr. Scott and Mr. Dean.

16 Q. How many times?

17 A. Once.

18 Q. How long was that meeting?

19 A. Approximately two hours.

20 Q. When was that meeting?

21 A. It was on Monday of this week.

22 Q. Was anyone else present at that meeting,
23 other than the people you just named?

24 A. No, sir.

25 Q. Did you review any documents during that

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1 meeting?

2 A. Yes, sir.

3 Q. Approximately how many documents did you
4 review?

5 A. It was several pages of the execution
6 lethal injection protocols.

7 Q. All right. Did that -- reviewing those
8 pages refresh your recollection as to any specific
9 issues that you did not remember before?

10 MR. SUTHERLAND: I object to the form.
11 You can answer the question.

12 THE WITNESS: It did refresh my memory
13 about a couple of things; but for the most part,
14 everything was pretty routine.

15 BY MR. SABIS:

16 Q. What were the topics on which -- on which
17 it refreshed your recollection?

18 MR. SUTHERLAND: Same objection. You can
19 answer.

20 THE WITNESS: Like the specific name of
21 what the Warden does during a conscious check. I
22 guess the trapeze [sic] muscle. I can hardly
23 remember the name of that.

24 BY MR. SABIS:

25 Q. Okay. Anything else?

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OF IV TEAM MEMBER 1**

12

1 A. No, sir; that's really about it.

2 Q. Did you review any materials on your own
3 to prepare for the deposition?

4 A. Yes, sir; I read over the lethal
5 injection protocols.

6 Q. All right. Did you review any other
7 materials on your own?

8 A. No, sir.

9 Q. Did you meet with anyone other than
10 counsel to prepare for the deposition?

11 A. No, sir.

12 Q. Did you review any of the transcripts of
13 any of the other depositions taken in this case?

14 A. No, sir.

15 Q. Did anyone consult with you to prepare
16 for another deposition in this case?

17 A. No, sir.

18 Q. Have you reviewed any of the papers that
19 have been filed with the Court in this case?

20 A. No, sir.

21 Q. Have you discussed this deposition with
22 anyone other than your counsel?

23 A. No, sir.

24 Q. Have you done anything to prepare for the
25 deposition that I've not asked about?

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13

1 A. No, sir.

2 Q. How much time in total do you estimate
3 you spent preparing for this deposition?

4 A. With the two hours that day with
5 Mr. Sutherland, maybe another hour or so reviewing the
6 protocols on my own.

7 Q. So about three hours?

8 A. Yes, sir.

9 Q. Are you currently employed?

10 A. Yes, sir.

11 Q. Where are you employed?

12 A. With the Tennessee Department of
13 Correction.

14 Q. How long have you been with the Tennessee
15 Department of Correction?

16 A. Approximately 28 years.

17 Q. What's your current job title?

18 A. Correctional administrator.

19 Q. What's your role in what job?

20 A. I oversee --

21 MR. SUTHERLAND: Chris, excuse me. I'm
22 going to object and instruct the witness not to
23 answer what his specific position is based on the
24 Court's protective order.

25 Don't answer the question, IV Team 1.

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1 And if you want to ask more general
2 questions, we'll take them as they come. Thanks,
3 Chris.

4 BY MR. SABIS:

5 Q. Can you tell me what your duties are in
6 your current job?

7 THE WITNESS: Mr. Sutherland, do you want
8 me to answer that?

9 MR. SUTHERLAND: You can just -- you can
10 answer generally what you do. But I don't want
11 you to give any answers that would potentially
12 identify what your position is.

13 THE WITNESS: Okay. I oversee several
14 TDOC facilities.

15 BY MR. SABIS:

16 Q. How long have you held that position?

17 A. Approximately six years.

18 Q. What was your prior employment before
19 holding this position?

20 MR. SUTHERLAND: Don't identify a
21 specific position. You can say generally what you
22 did.

23 THE WITNESS: I worked in -- for the law
24 enforcement section of the department.

25 BY MR. SABIS:

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OF IV TEAM MEMBER 1**

15

1 Q. All right. Does your current position
2 require any special training?

3 A. No, sir.

4 Q. Have you received any training related to
5 your position?

6 A. Are you referring to my duties outside of
7 the IV Team?

8 Q. I'm referring -- well, we'll talk about
9 training with the IV Team.

10 A. Okay.

11 Q. Apart from the IV Team, have you received
12 any training with regard to your current position?

13 A. No, sir.

14 Q. Do you have any medical training?

15 A. I have the class that we took for the IV
16 Team.

17 Q. Can you describe that class?

18 A. Yes, sir. It was about a day and-a-half,
19 maybe two, with a -- an instructor that taught us
20 specifics about IVs.

21 Q. Without giving me a name, who was that
22 instructor? Was it a physician?

23 A. No, I don't think she was a physician.

24 Q. Was it an EMT?

25 A. I know she worked in the medical field,

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OF IV TEAM MEMBER 1**

16

1 but I'm not sure if she was an EMT. I think that she
2 taught EMTs.

3 Q. When did you most recently receive that
4 training?

5 A. Approximately three years ago, maybe
6 four.

7 Q. Have you received --

8 A. Maybe three and a half.

9 Q. Have you received any medical training,
10 apart from that training?

11 A. No, sir.

12 MR. SABIS: For the record, we're going
13 to use the same exhibits we've used for the
14 previous depositions.

15 IV Team Member, could you please pull up
16 Exhibit 1. Let me know when you have it up.

17 THE WITNESS: Okay. It's up.

18 BY MR. SABIS:

19 Q. Please take a look at Exhibit 1 and tell
20 me, what is this document?

21 A. This is the Lethal Injection Execution
22 Manual.

23 Q. For the State of Tennessee?

24 A. Yes, sir.

25 Q. Is this the current lethal injection

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OF IV TEAM MEMBER 1**

17

1 protocol in place for the Tennessee Department of
2 Correction?

3 A. It is.

4 Q. Have you seen this document before today?

5 A. Yes, sir.

6 Q. When was the last time you saw this
7 document?

8 A. Last night.

9 Q. In preparing for your deposition?

10 A. Yes, sir.

11 Q. When was the first time you saw this
12 document?

13 A. Probably about three, four years ago.

14 Q. Is that when you joined the IV Team?

15 A. Yes, sir.

16 Q. Are you familiar with the contents of the
17 protocol?

18 A. Yes, sir.

19 Q. Have you read it in its -- excuse me.
20 Have you read it in its entirety?

21 A. I have.

22 Q. When's the last time that you read this
23 in its entirety?

24 A. It would have been last year.

25 Q. Do you remember approximately when last

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1 year?

2 A. No, sir; I don't.

3 Q. Have you read it more than once?

4 A. Yes.

5 Q. If I refer to this as the protocol going
6 forward, will you understand what I'm referring to?

7 A. Yes, sir.

8 Q. And is it okay if I refer to the
9 Tennessee Department of Correction as the TDOC?

10 A. Yes, sir.

11 Q. What do you understand the purpose of
12 this protocol to be?

13 MR. SUTHERLAND: Object to the form. You
14 can answer.

15 THE WITNESS: Okay. It's the -- like the
16 procedures. It's what instructs us to carry out
17 the lethal injection process.

18 BY MR. SABIS:

19 Q. Please turn to Page 15 of the protocol.
20 Do you see where it says "Lethal Injection Recorder" at
21 the top?

22 A. Hold on. I'm going down. Okay.

23 Q. You see it says "Lethal Injection
24 Recorder" at the top?

25 A. Yes, sir.

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OF IV TEAM MEMBER 1**

19

1 Q. Are you the individual designated as the
2 lethal injection Recorder?

3 A. No, sir.

4 Q. Please take a look -- please take a look
5 at Page 20 of the protocol. Let me know when you're
6 there.

7 A. Okay.

8 Q. Are you a member of the IV Team described
9 on Page 20?

10 A. I am.

11 Q. How many total IV Team Members are there?

12 A. There were four, now there's -- well,
13 it's four of us. It was four in the -- in the room.
14 And then there's three others, the two EMTs and their
15 assistant.

16 Q. When you say -- when you refer to "the
17 four of us in the room," what room are you referring
18 to?

19 A. The execution chamber.

20 Q. Without giving me names, can you tell me
21 what the positions are of the four members of the IV
22 Team?

23 A. Yes, sir. The Executioner, the execution
24 Recorder, the execution Observer, and a second
25 execution Observer.

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OF IV TEAM MEMBER 1**

20

1 Q. What position do you fill?

2 A. The fourth position, the second execution
3 Observer.

4 Q. What are your responsibilities as the
5 second execution Observer?

6 A. My responsibility is to observe the
7 preparation of the chemicals; to help -- or to help
8 verify that the -- the amount of the chemicals are
9 correct and in order.

10 And to observe the video to help watch
11 the -- the site where the IV is, where the chemical is
12 going in, to see if there's any swelling or redness.
13 And just to help observe the process.

14 Q. What are the duties of the first
15 Observer?

16 A. The first Observer is the one that
17 specifically checks the chemicals to assure that the
18 Executioner is drawing them up properly. Also, to
19 ensure that the saline bags are hung, all the lines are
20 drawn and in working order. To make sure that we have
21 the proper amount of syringes, supplies, or equipment.
22 And to make sure that the processes is going orderly.

23 Q. What are the duties of the IV Team
24 Recorder?

25 A. The IV Team Recorder takes care of

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OF IV TEAM MEMBER 1**

21

1 documenting the times that the chemicals are drawn up,
2 and who drew them up, and who was it witnessed by.

3 And also -- excuse me -- to make sure to
4 document the times that the -- the chemicals are
5 started, as far as the process once the Warden gives
6 the signals. And to ensure that the times and
7 everything are recorded accordingly.

8 Q. IV Team Member, if you could please go to
9 Page 10 of the protocol. Let me know when you're
10 there.

11 A. Okay.

12 Q. Do you recognize this?

13 A. Yes, sir.

14 Q. What is it?

15 A. It's a diagram of the -- the whole
16 deathwatch area.

17 Q. When you spoke about the four individuals
18 that were in the room earlier, were you referring to
19 the lethal injection Executioner's room that's on this
20 diagram?

21 A. Yes, sir; it is.

22 Q. How many EMTs are on the Execution Team?

23 A. There's two EMTs.

24 Q. And did you mention before an assistant?

25 A. Yes.

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**VIDEOTAPED VIDEOCONFERENCE DEPOSITION
OF IV TEAM MEMBER 1**

22

1 Q. And that's an assistant to those two
2 EMTs?

3 A. Correct. I don't know if I was supposed
4 to say, too, there's a doctor also on the team.

5 Q. I'm sorry; could you repeat that, IV Team
6 Member?

7 A. A doctor.

8 Q. Okay. The assistant to the EMTs, is that
9 assistant an EMT?

10 A. No.

11 Q. What are the roles of the EMTs?

12 A. The EMTs are responsible for ensuring
13 they have all their equipment necessary to start the
14 IVs.

15 They go out and they look for a vein.
16 Once identified, they put the catheter in and set both
17 the IVs up, one in the left arm and one in the right
18 arm.

19 Q. What is the role of the EMT's assistant?

20 A. The EMT assistant lets us know by a hand
21 signal when the IV line is in place, for us to check to
22 make sure it's flowing properly. He also passes down
23 like tape and stuff like that.

24 And also, when we have two good lines, he
25 is the person who tapes the hands to the armboards on the

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1 gurney.

2 Q. What's the hand signal that the assistant
3 gives you to check -- for you -- for you to check the
4 IV lines?

5 A. He holds up one finger.

6 Q. Is the Executioner a member of the IV
7 Team?

8 A. Yes.

9 Q. Have you ever heard an IV Team Member
10 referred to as an Assistant Executioner?

11 A. No.

12 Q. So IV Team Member, just to make sure that
13 I'm clear: To summarize that prior testimony, how many
14 IV Team Members are there?

15 MR. SUTHERLAND: Object to the form.

16 THE WITNESS: Okay. I'm counting.

17 Counting the doctor, it's seven. It used
18 to be eight. One no longer works for the
19 department.

20 BY MR. SABIS:

21 Q. All right. And you just said that the
22 doctor is a member of the IV Team?

23 A. Yes, sir; I counted him in my count.

24 Q. Does every member of the IV Team attend
25 every execution?

**VIDEOTAPED VIDEOCONFERENCE DEPOSITION
OF IV TEAM MEMBER 1**

24

1 A. No.

2 Q. Why not?

3 A. The doctor does --

4 MR. SUTHERLAND: Object to the form.

5 Object to the form.

6 Excuse me, IV Team 1. Before you answer
7 a question, just pause just for a second --

8 THE WITNESS: Okay.

9 MR. SUTHERLAND: -- so I can speak up.

10 But I'm going to object to the form. You
11 can answer.

12 THE WITNESS: Okay. Thank you,
13 Mr. Sullivan.

14 The doctor does not come to the training.

15 BY MR. SABIS:

16 Q. Leaving aside the training, just speaking
17 about actual executions, does every IV Team Member
18 attend every execution?

19 A. Yes, sir.

20 Q. Let's go back to Page 8 of the protocol.

21 A. Okay.

22 Q. If you -- these are the definitions in
23 the protocol. If you look about midway down the page,
24 there's a definition of Execution Team. Take a look at
25 that.

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OF IV TEAM MEMBER 1**

25

1 A. Yes, sir.

2 Q. And you do consider yourself a member of
3 the IV Team that's listed here, correct?

4 A. Yes, sir.

5 Q. Do you hold any other roles on this list?

6 A. No, sir.

7 Q. Have you ever held any of the other roles
8 on this list?

9 A. No, sir.

10 Q. IV Team Member, would you please go to
11 Page 31 of the protocol.

12 A. Okay.

13 Q. If you take a look down near the bottom
14 of the page, you see Item 2 in that second list talks
15 about "Three Correctional Staff." Do you see that?

16 A. Yes, sir.

17 Q. Are you one of those correctional staff?

18 A. Yes, sir.

19 Q. Are all three of those correctional staff
20 on the IV Team?

21 A. Two are. One is no longer employed by
22 the department.

23 Q. Who are the two members of the IV Team
24 who are correctional staff?

25 A. Both.

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**VIDEOTAPED VIDEOCONFERENCE DEPOSITION
OF IV TEAM MEMBER 1**

26

1 Q. What are -- I'm sorry. I'm sorry, that
2 question was not clear.

3 Without naming names, what are the
4 positions of the two members of the IV Team who are
5 correctional staff?

6 A. Who has had this training?

7 Q. Correct.

8 A. It is the --

9 MR. SUTHERLAND: Excuse me, IV Team 1.

10 Chris, are you -- are you -- I'm not sure
11 I understand your question.

12 MR. SABIS: Okay. I'll -- I'll back up.

13 BY MR. SABIS:

14 Q. The three correctional staff in the
15 protocol are defined as "Received IV training through
16 the Tennessee Correction Academy by qualified
17 professionals." Do you see that, IV Team Member?

18 A. Yes, sir.

19 Q. What -- what members of the IV Team have
20 received that training?

21 A. The IV Recorder and the IV Observer
22 No. 2.

23 Q. And you were IV Observer No. 2?

24 A. Yes, sir.

25 Q. Who is the -- so that's two members of

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1 the IV Team. Who is the third correctional staff who
2 has received that training?

3 A. The former IV Observer.

4 Q. And that person is no longer with TDOC?

5 A. Correct.

6 Q. Has that person been replaced?

7 A. Not as of yet.

8 Q. Please describe the training, the IV
9 training, that you received from the Tennessee
10 Correction Academy.

11 A. So the Correction Academy did not do the
12 training, they provided the instructor for the
13 training.

14 And the training talked specifically
15 about the different veins in the body. It talked about
16 how to start IVs, what type of veins to look for. It
17 talked about how to find and identify veins that were
18 hard to find or hard to identify.

19 And just basically talked about methods
20 of starting IVs and how to look for warning signs that
21 there are issues with IVs, such as possible blown veins
22 or if the catheter is not in the vein properly.

23 Q. You mentioned the three members of the IV
24 Team who received this training. Did anyone else on
25 the Execution Team receive this training?

1 A. I was told that the Executioner had, but
2 he -- he did not attend at the time we did.

3 Q. Who told you that the Executioner had
4 received the training?

5 MR. SUTHERLAND: I'm going to object and
6 instruct the witness not to identify any person.
7 You can refer to them by their role.

8 THE WITNESS: Yes, sir.

9 The Executioner, I think I remember him
10 telling me that he had already received the
11 training.

12 BY MR. SABIS:

13 Q. When did you receive this training?

14 A. Approximately three years ago.

15 Q. Have you received it again since that
16 first time?

17 A. No, sir.

18 Q. How long was that training?

19 A. I think --

20 MR. SUTHERLAND: Object to the form.

21 THE WITNESS: I'm sorry. Go ahead,
22 Mr. Sutherland.

23 MR. SUTHERLAND: Object to the form. You
24 can answer.

25 THE WITNESS: About a day and a half.

**VIDEOTAPED VIDEOCONFERENCE DEPOSITION
OF IV TEAM MEMBER 1**

29

1 BY MR. SABIS:

2 Q. You mentioned that training was conducted
3 by an instructor from the Tennessee Correction Academy;
4 is that right?

5 A. The instructor did not work for the --

6 MR. SUTHERLAND: I'm going to object to
7 the form, based on his prior answer.

8 BY MR. SABIS:

9 Q. All right. Then please clarify for me,
10 IV Team Member, who provided the training?

11 A. It was an instructor that the -- the
12 State, I guess, hired.

13 Q. Was the instructor from the Tennessee
14 Correction Academy?

15 A. No.

16 Q. Was the instructor a medical
17 professional?

18 A. Yes.

19 MR. SUTHERLAND: Objection, form.

20 BY MR. SABIS:

21 Q. What kind of medical professional?

22 MR. SUTHERLAND: Same objection.

23 THE WITNESS: She taught medical, EMTs
24 and other folks, how to start IVs in a more
25 in-depth training class than we did.

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**VIDEOTAPED VIDEOCONFERENCE DEPOSITION
OF IV TEAM MEMBER 1**

30

1 BY MR. SABIS:

2 Q. Was the instructor an EMT?

3 MR. SUTHERLAND: Same objection.

4 THE WITNESS: I'm not sure.

5 BY MR. SABIS:

6 Q. Was the instructor a doctor?

7 MR. SUTHERLAND: Same objection.

8 THE WITNESS: I'm not sure.

9 BY MR. SABIS:

10 Q. Who else was present for the IV training
11 that you attended?

12 MR. SUTHERLAND: Don't identify an
13 individual by name.

14 THE WITNESS: It was the IV Recorder, the
15 IV Observer, and the IV second Observer.

16 BY MR. SABIS:

17 Q. Was the instructor an IV therapist?

18 MR. SUTHERLAND: Same objection.

19 THE WITNESS: I'm not -- I'm not sure.

20 BY MR. SABIS:

21 Q. Were you provided any written materials
22 at this training?

23 A. We had materials that she brought to the
24 class with her.

25 Q. Did you keep any materials from this

Gibson Court Reporting

1 training?

2 A. No, sir.

3 Q. How long has the current protocol been in
4 place?

5 MR. SUTHERLAND: Object to the form,
6 based on his prior answer.

7 THE WITNESS: I see the revised version
8 of 2018.

9 BY MR. SABIS:

10 Q. Is TDOC required to follow this protocol?

11 MR. SUTHERLAND: Object to the form. You
12 can answer.

13 THE WITNESS: Yes, sir.

14 BY MR. SABIS:

15 Q. Are members of the Execution Team allowed
16 to deviate from this protocol?

17 MR. SUTHERLAND: Same objection. You can
18 answer.

19 THE WITNESS: No, sir.

20 BY MR. SABIS:

21 Q. Does anyone at the execution have
22 authority to deviate from this protocol?

23 MR. SUTHERLAND: Same objection. You can
24 answer.

25 THE WITNESS: No, sir.

1 BY MR. SABIS:

2 Q. Were you involved in the creation of this
3 protocol?

4 A. No, sir.

5 Q. Without disclosing their identities, who
6 was involved in creating this protocol?

7 A. I'm not --

8 MR. SUTHERLAND: If you know, state their
9 position. Don't identify.

10 THE WITNESS: I'm not sure who were
11 involved in creating the protocols.

12 BY MR. SABIS:

13 Q. Have you ever been asked to consult about
14 the contents of the protocol?

15 A. No, sir.

16 Q. Would you please go to Page 6 of the
17 protocol.

18 A. Okay.

19 Q. Okay. If you'll take a look at the last
20 sentence on that page, it says that the protocol "will
21 be reviewed annually, or as needed, by a designated
22 panel." Do you see that?

23 A. Yes, sir.

24 Q. Are you on that panel?

25 A. No, sir.

1 Q. Without identifying people by name, only
2 by their role or position, who is on that panel?

3 MR. SUTHERLAND: Object to the form.

4 THE WITNESS: I would only be guessing.

5 The Commissioner, maybe the Legal Department, and
6 the AG.

7 BY MR. SABIS:

8 Q. Has the protocol been reviewed since --
9 by the panel since 2018?

10 MR. SUTHERLAND: Object to the form.

11 THE WITNESS: I don't know.

12 BY MR. SABIS:

13 Q. IV Team Member, what's your highest level
14 of education?

15 A. I have a bachelor's degree.

16 Q. Without telling me the name of the
17 school, where did you get that degree? Was it a
18 private school, public school?

19 A. A private school.

20 Q. What region was that school in? Was is
21 in the southeast, northeast?

22 MR. SUTHERLAND: Of the United States?

23 MR. SABIS: Of the United States.

24 THE WITNESS: Southeast.

25 BY MR. SABIS:

1 Q. What year did you get that degree?

2 A. Approximately four years ago, maybe.

3 Three to four years ago.

4 Q. What type of training did you get as part
5 of that degree?

6 MR. SUTHERLAND: Object to the form.

7 THE WITNESS: It was in general studies
8 for criminal --

9 BY MR. SABIS:

10 Q. Did you -- I'm sorry, go ahead.

11 A. It was in criminal justice.

12 Q. Did you obtain any medical training or
13 education as part of that degree?

14 A. No, sir.

15 Q. And again, just geographically limited,
16 where did you go to high school?

17 A. Southwest region.

18 Q. Did you get any specialized training at
19 your high school? For example, did you specialize in
20 any particular subjects?

21 A. No, sir.

22 Q. Was it a specialty school?

23 A. No, sir.

24 Q. All right. Did you take any courses
25 relevant to your current position in high school?

**VIDEOTAPED VIDEOCONFERENCE DEPOSITION
OF IV TEAM MEMBER 1**

35

1 A. No, sir.

2 Q. Aside from high school and your college
3 education and the IV training course we just discussed,
4 have you completed any other training courses?

5 A. Pertaining to the execution detail?

6 Q. Of any kind.

7 A. I have had specialty training pertaining
8 to the job outside of the execution detail.

9 Q. Please describe that training.

10 A. I've had a variety of law enforcement
11 training. Other training in the department that
12 required classes in a variety of training that deals
13 with the Department of Correction specifically.

14 Q. Did that include firearms training?

15 A. Yes.

16 Q. Did it include any other medical training
17 beyond the IV training you've had?

18 A. No, sir.

19 Q. Have you completed any coursework beyond
20 your college coursework?

21 A. Yes, sir.

22 Q. Please describe that coursework.

23 A. I'm currently working on obtaining my
24 master's degree in public service.

25 Q. Congratulations.

Gibson Court Reporting

1 Do you hold any certifications?

2 A. Yes, sir.

3 Q. What certifications do you hold?

4 A. Quite a few certifications dealing with
5 the Department of Corrections in -- in various
6 capacities of different jobs that I've held over the 28
7 years.

8 Q. Do you hold any professional licenses?

9 A. No, sir.

10 Q. Do you have any military training?

11 A. Yes, sir.

12 Q. Can you describe your military training?

13 A. I completed basic and AIT, and various
14 training for the job that I held while I was in the
15 military.

16 Q. I'm sorry, what was that second -- second
17 training you described? AIT?

18 A. Advanced training. It's the training
19 that you go to that's specific to your job.

20 Q. Do you participate in any volunteer
21 programs -- for example, volunteer firefighters --
22 outside of your current profession?

23 A. No, sir.

24 Q. Are you trained in CPR?

25 A. Yes, sir.

**VIDEOTAPED VIDEOCONFERENCE DEPOSITION
OF IV TEAM MEMBER 1**

37

1 Q. Are you currently CPR certified?

2 A. No, sir.

3 Q. When was the last time you received CPR
4 training?

5 A. Approximately ten years ago.

6 Q. Other than the IV training we discussed
7 and your CPR training, do you have any other medical
8 training?

9 A. No, sir.

10 Q. Are you an EMT?

11 MR. SUTHERLAND: Object to the form.

12 THE WITNESS: No, sir.

13 BY MR. SABIS:

14 Q. Other than in your role on the IV Team,
15 have you handled any chemicals?

16 MR. SUTHERLAND: Object to the form.

17 THE WITNESS: No, sir.

18 MR. SUTHERLAND: Can you be specific,
19 Chris? I mean, are we talking about household
20 cleaners? I mean --

21 MR. SABIS: Sure, sure.

22 BY MR. SABIS:

23 Q. Other than -- other than things you take
24 for yourself, have you handled any medications?

25 A. No, sir.

Gibson Court Reporting

1 Q. Other -- again, other than prescription
2 substances you take for yourself, have you handled any
3 controlled substances?

4 A. No, sir.

5 Q. Other than household items you use at
6 your home, have you handled any industrial cleaning
7 supplies?

8 A. Not lately. And I don't know if
9 "industrial cleaning supplies" count for the chemicals
10 that are used inside of prisons that we use to clean
11 with.

12 Q. So your -- your roles at some point in
13 your past have also included cleaning in prisons?

14 A. Supervising. Or at some point; yes, sir.

15 Q. Other than during executions, have you
16 handled or prepared syringes?

17 A. No, sir.

18 Q. Have you been involved in prior
19 executions?

20 A. Yes, sir.

21 Q. How many?

22 A. Four or five, maybe.

23 Q. Whose executions were you involved in?

24 A. I don't remember all the names.

25 Q. Did you participate in Donnie Johnson's

1 execution?

2 A. No, sir.

3 Q. Why not?

4 A. I believe I was on vacation.

5 Q. Did you participate in Billy Ray Irick's
6 execution?

7 A. Yes, sir.

8 Q. In what capacity?

9 A. Observer No. 2.

10 Q. Have you participated in any electric
11 chair executions?

12 MR. SUTHERLAND: Object to the form.

13 THE WITNESS: Yes, sir.

14 BY MR. SABIS:

15 Q. In what capacity?

16 MR. SUTHERLAND: Same objection.

17 THE WITNESS: Observer No. 2.

18 BY MR. SABIS:

19 Q. How many electric chair executions have
20 you participated in?

21 MR. SUTHERLAND: I'm going to object to
22 the form, and I'm going to instruct him not to
23 answer if you talk about electrocution much more.
24 It's irrelevant.

25 THE WITNESS: So do you want me to answer

**VIDEOTAPED VIDEOCONFERENCE DEPOSITION
OF IV TEAM MEMBER 1**

40

1 this question, Mr. Sutherland?

2 MR. SUTHERLAND: Yes, you can.

3 THE WITNESS: I believe it was two.

4 BY MR. SABIS:

5 Q. Have you provided training to anyone else
6 in conjunction with executions?

7 MR. SUTHERLAND: Object to the form.

8 THE WITNESS: No, sir.

9 BY MR. SABIS:

10 Q. Do you receive compensation for your work
11 as an IV Team Member?

12 A. No, sir.

13 Q. Is there a certain time in which you will
14 no longer be an IV Team Member?

15 MR. SUTHERLAND: Object to the form.

16 THE WITNESS: Yes, sir. I'd imagine if I
17 decide to retire or leave the department.

18 BY MR. SABIS:

19 Q. Do you have any current plans to retire
20 or leave the department?

21 A. No, sir.

22 Q. IV Team Member, would you please go to
23 Page 20 of the protocol. Let me know when you're
24 there.

25 A. I'm here.

Gibson Court Reporting

1 Q. Okay. Page 20 of the protocol lists the
2 primary role and duties of the IV Team. If you take a
3 look at under "Duties," the first one, the first listed
4 duty is "To prepare the IV equipment." What does it
5 mean "To prepare the IV equipment?"

6 MR. SUTHERLAND: Object to the form.

7 THE WITNESS: So we gather the chemicals
8 and bring those back. We also gather the other
9 equipment that we need to prepare: IV bags,
10 extensions, lines, tape. Make sure we got
11 syringes.

12 BY MR. SABIS:

13 Q. Does the IV Team prepare the IV
14 equipment?

15 A. Yes.

16 Q. Does anyone who is not on the IV Team
17 play a role in preparing the equipment?

18 A. No.

19 Q. Do you play a part in preparing the IV
20 equipment?

21 A. Yes.

22 Q. What role do you play in preparing the IV
23 equipment?

24 A. I'm basically an Observer. I help out
25 when needed. We're in the room together, so I might

1 pass an IV bag or I might tear some strips of tape for
2 the setup.

3 Just whatever is not being done, I step
4 in as a team effort.

5 Q. When you say you're in the room together,
6 you mean the lethal injection Executioner's room?

7 A. Yes, sir.

8 Q. Who else on the IV Team plays a role in
9 preparing the IV equipment?

10 MR. SUTHERLAND: Object to the form.

11 THE WITNESS: It's just -- it's just us
12 three.

13 BY MR. SABIS:

14 Q. Moving to Item No. 2, what does it mean,
15 "To make sure the equipment used is in working order?"

16 MR. SUTHERLAND: Object to the form.

17 THE WITNESS: Once we get the IV lines
18 hooked up, we check to make sure that it's running
19 properly. We clear the line out of the -- the air
20 out of the lines and then cap them off and just
21 make sure they're working accordingly.

22 BY MR. SABIS:

23 Q. Do you play a part in this duty?

24 A. Only as the Observer.

25 Q. Who actually does the -- does the check

1 to make sure the equipment is in working order?

2 A. The Executioner.

3 Q. And you observe the Executioner as he
4 makes sure the equipment is in working order?

5 A. Yes, sir.

6 Q. What do you do if you notice a problem
7 with the equipment?

8 A. I would notify the Executioner.

9 Q. Do you have authority to stop the
10 procedure?

11 MR. SUTHERLAND: Object to the form. You
12 can answer.

13 THE WITNESS: I have the authority to let
14 the Executioner know that there is an issue, and
15 the Executioner can communicate with the -- the
16 Warden.

17 BY MR. SABIS:

18 Q. Who has the ultimate authority to stop
19 the procedure if there's a problem with the equipment?

20 MR. SUTHERLAND: Object to the form. You
21 can answer.

22 THE WITNESS: The Warden and the
23 Commissioner, I would imagine.

24 BY MR. SABIS:

25 Q. Take a look at No. 3 under "Duties."

**VIDEOTAPED VIDEOCONFERENCE DEPOSITION
OF IV TEAM MEMBER 1**

44

1 What does it mean, "To locate sites for intravenous
2 use?"

3 MR. SUTHERLAND: Object to the form. You
4 can answer.

5 THE WITNESS: That would be the EMTs
6 looking at the vein in the bend of the arm, trying
7 to find a good vein to use.

8 BY MR. SABIS:

9 Q. Are the EMTs that perform this duty part
10 of the IV Team?

11 MR. SUTHERLAND: Object to the form,
12 based on his prior answer.

13 THE WITNESS: Yes, sir.

14 BY MR. SABIS:

15 Q. Do you -- do you play a part in locating
16 the sites for intravenous use?

17 A. No, sir.

18 Q. Does anyone on the IV Team play a part in
19 locating sites for intravenous use, other than the
20 EMTs?

21 A. No, sir.

22 Q. Would you take a look at Duty No. 4.
23 What does it mean, "To make sure vascular access is
24 properly established?"

25 A. It's when the --

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**VIDEOTAPED VIDEOCONFERENCE DEPOSITION
OF IV TEAM MEMBER 1**

45

1 MR. SUTHERLAND: Excuse me. Object to
2 form. You can answer.

3 THE WITNESS: It's when the EMT puts the
4 catheter into the vein and have the blood flash.
5 Then once signaled, the Executioner pulls out the
6 drip valve. And as long as we have a good drip,
7 then we know that we have good access.

8 BY MR. SABIS:

9 Q. How do the EMTs signal the Executioner?

10 A. The EMT does not. It's the assistant to
11 the EMT.

12 Q. Thank you. Apologies. I misunderstood.
13 How does the assistant to the EMT signal
14 the Executioner?

15 A. By --

16 MR. SUTHERLAND: Objection to the form.

17 THE WITNESS: By holding up one finger.

18 BY MR. SABIS:

19 Q. Does anyone other than the EMTs and the
20 assistant play a role in this duty?

21 MR. SUTHERLAND: Object to the form. You
22 can answer.

23 THE WITNESS: No, sir.

24 BY MR. SABIS:

25 Q. Please take a look at Duty No. 5. What

1 does it mean "To make sure the IV lines are flowing
2 properly?"

3 MR. SUTHERLAND: Objection to form. You
4 can answer.

5 THE WITNESS: Make sure there's no
6 swelling at the IV site and that the -- the drip
7 is dripping constantly.

8 BY MR. SABIS:

9 Q. Does the IV Team do this?

10 A. Yes, sir.

11 Q. Who on the IV Team does this?

12 A. It's a combination of all. The
13 Executioner is the primary responsible for looking at
14 the drips to make sure it's flowing properly. And then
15 both Observers observing the drip, as well, and also
16 looking at the IV site to make sure there's no -- no
17 swelling or anything like that.

18 Q. How do the members of the IV Team observe
19 the site?

20 A. Through a camera inside the room with us.

21 Q. Is that the pan-zoom camera?

22 A. Yes, sir.

23 Q. Who operates the pan-zoom camera?

24 A. Observer No. 2.

25 Q. That would be you?

**VIDEOTAPED VIDEOCONFERENCE DEPOSITION
OF IV TEAM MEMBER 1**

47

1 A. Yes, sir.

2 Q. During an execution, when do you turn on
3 the pan-zoom camera?

4 A. When we first get into the room I turn it
5 on, move it around, zoom in, zoom out, to make sure
6 it's functioning properly.

7 Q. And again, when you say "the room,"
8 you're referring to the lethal injection Executioner's
9 room?

10 A. Yes, sir; that's correct.

11 Q. Take a look at Duty 6. What does it
12 mean, "To document the injection of the LICs on the
13 Lethal Injection Chemical Administration Record Sheet?"

14 MR. SUTHERLAND: Object to the form. You
15 can answer.

16 THE WITNESS: That's the -- the
17 individual who documents the -- the times that the
18 injections have started and administered.

19 BY MR. SABIS:

20 Q. Is this your responsibility?

21 MR. SUTHERLAND: Objection to the form.

22 THE WITNESS: No, sir.

23 BY MR. SABIS:

24 Q. Whose responsibility is it? Again, not
25 with names, just with identifying positions.

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**VIDEOTAPED VIDEOCONFERENCE DEPOSITION
OF IV TEAM MEMBER 1**

48

1 MR. SUTHERLAND: Objection to the form,
2 based on his prior answer.

3 THE WITNESS: The execution Recorder.

4 BY MR. SABIS:

5 Q. Does anyone else ever fill out this
6 sheet, other than the execution -- the execution
7 Recorder?

8 A. It's the execution Recorder, unless
9 something would happen and he wasn't present during the
10 execution. He's always been there. Sometimes during
11 training, if a person's not there other ones will fill
12 in.

13 Q. Would the fill-ins be members of the IV
14 Team?

15 A. Yes, sir.

16 MR. SABIS: Scott, we've been going for
17 about an hour. Do you want to take a five-minute
18 break?

19 MR. SUTHERLAND: Whatever you want,
20 Chris. I'm good. Whatever.

21 MR. SABIS: IV Team Member, would you
22 like a break or do you want to keep going?

23 THE WITNESS: I think I'm okay right now.
24 Thank you.

25 MR. SABIS: Okay. We'll keep going. Let

Gibson Court Reporting

1 me know if you need a break.

2 THE WITNESS: Yes, sir.

3 MR. SUTHERLAND: Thank you, Chris.

4 MR. SABIS: Yeah, no problem.

5 BY MR. SABIS:

6 Q. If you could go to -- if you could pull
7 up Exhibit 54, please, IV Team Member. Let me know
8 when you have it.

9 A. You said 15, one-five?

10 Q. 54, five-four.

11 A. I'm sorry. 54 is up.

12 Q. Okay. Do you recognize this document?

13 A. Yes, sir.

14 Q. Is this an example of a Lethal Injection
15 Chemical Administration Record Sheet that was discussed
16 on Page 20 of the protocol?

17 A. Yes, sir.

18 Q. Is this your handwriting?

19 A. Yes, sir.

20 Q. Do you always fill out this form?

21 MR. SUTHERLAND: Objection to the form.

22 THE WITNESS: No, sir.

23 BY MR. SABIS:

24 Q. Who usually fills out this form?

25 MR. SUTHERLAND: Objection to the form.

1 THE WITNESS: The execution Recorder.

2 BY MR. SABIS:

3 Q. Why did you fill it out in this case?

4 A. Because he wasn't present on this
5 training.

6 Q. Is this the only time you filled out this
7 form?

8 A. No, sir.

9 Q. When are the other times you've filled
10 out this form?

11 MR. SUTHERLAND: Objection to the form.

12 THE WITNESS: Maybe once or twice, other
13 than this one.

14 BY MR. SABIS:

15 Q. Were those trainings?

16 A. Correct.

17 Q. Have you ever filled out this form for an
18 actual execution?

19 MR. SUTHERLAND: Objection to the form.

20 THE WITNESS: No, sir.

21 BY MR. SABIS:

22 Q. Please pull up Exhibit 52.

23 A. Okay.

24 Q. Do you recognize this document?

25 A. Yes, sir.

1 Q. Is this the Lethal Injection and
2 Executioner Recorder Checklist that's identified on
3 Page 15 of the protocol?

4 A. If you say it's on that page, then I
5 agree. I'm not looking at the -- at the protocol to
6 see what -- what page number it's on.

7 Q. Is this the standard Lethal Injection
8 Execution Recorder Checklist that you're familiar with?

9 A. Yes, sir; it is.

10 Q. Is this your handwriting?

11 A. No, sir.

12 Q. Who usually fills out this document?

13 A. The execution Recorder.

14 Q. Would you please go to Page 4 of this
15 document?

16 A. Okay.

17 Q. Is that your handwriting?

18 A. No, sir.

19 Q. Page 4 of this document appears to be --
20 have the same content as Page 1, but just in different
21 handwriting. Why is that?

22 MR. SUTHERLAND: Object to the form. You
23 can answer, if you know.

24 THE WITNESS: I'm not sure, unless it was
25 two different people doing it.

1 BY MR. SABIS:

2 Q. Do multiple people fill out this form
3 during executions?

4 MR. SUTHERLAND: Object to the form.

5 THE WITNESS: It's only one person during
6 the actual execution. If we -- at practice, it
7 may be someone else.

8 BY MR. SABIS:

9 Q. Does more than one person ever fill out
10 the form during trainings?

11 A. No.

12 MR. SUTHERLAND: Object to the form. Are
13 you talking about this form, Chris?

14 MR. SABIS: I'm speaking about general
15 practice. Is it a general practice for more than
16 one person to fill this form out during a training
17 session?

18 THE WITNESS: Typically, it's not. If
19 it's the same day, same practice, if two different
20 people fill it out. And sometimes it happened
21 during the practice for an individual to step out,
22 and which may have caused someone else to pick up
23 and to continue on with the -- the detail.

24 BY MR. SABIS:

25 Q. Do you know why two different people

1 filled out this form during this training?

2 A. No, sir.

3 Q. Please pull up Exhibit 55. Let me know
4 when you've got it.

5 A. Yes, sir.

6 Q. Have you seen this document before?

7 A. Yes, sir.

8 Q. What is it?

9 A. It's the IV Team Inventory Checklist.

10 Q. When's the last time you saw this
11 document?

12 A. It would have been at the last practice,
13 maybe.

14 Q. Is it your duty during executions to fill
15 out this document?

16 MR. SUTHERLAND: Object to the form.

17 THE WITNESS: No, sir.

18 BY MR. SABIS:

19 Q. Who fills out this document?

20 MR. SUTHERLAND: Object to the form.

21 THE WITNESS: Typically, this form is
22 filled out by the EMTs' assistant.

23 BY MR. SABIS:

24 Q. When is this inventory checklist
25 completed?

1 MR. SUTHERLAND: Object to the form. You
2 can answer.

3 THE WITNESS: When we first get in.

4 BY MR. SABIS:

5 Q. When you first get in where? To the
6 lethal injection Executioner's room?

7 A. I'm sorry. Yes.

8 Q. IV Team Member, please pull up
9 Exhibit 44.

10 A. Okay.

11 Q. Have you seen this document before?

12 A. Yes, sir.

13 Q. What is it?

14 MR. SUTHERLAND: Are you talking about --
15 Chris, are you talking about this specific
16 document or are you talking about a generic
17 document?

18 MR. SABIS: I will clarify.

19 BY MR. SABIS:

20 Q. IV Team Leader, have you seen this type
21 of document before, this form?

22 A. Yes, sir.

23 Q. What is it?

24 A. It's the Chemical Preparation Timesheet.

25 Q. Is this your handwriting?

1 A. No, sir.

2 Q. Who fills out this form during an
3 execution?

4 A. The execution Recorder.

5 Q. And that's the same Recorder who's on the
6 IV Team, correct?

7 A. Correct.

8 Q. Has it ever been your responsibility to
9 fill out this form?

10 A. Not during an actual execution, only in
11 practice.

12 Q. How many people log the preparation of
13 each set of syringes?

14 A. One.

15 Q. That's the Recorder?

16 A. Yes, sir.

17 Q. How many people witness the preparation
18 of each set?

19 A. Three.

20 Q. Who are those people, without identifying
21 them by name?

22 A. The execution Recorder, the execution
23 Observer, the execution Observer No. 2.

24 Q. Is each set of syringes prepared by a
25 different person?

1 A. No.

2 Q. Who prepares the syringes?

3 A. The Executioner.

4 Q. Does the Ex- -- does the Executioner
5 prepare both sets of syringes at the same time?

6 MR. SUTHERLAND: Object to the form.

7 THE WITNESS: No.

8 BY MR. SABIS:

9 Q. Please describe the process by which the
10 Executioner prepares the syringes.

11 A. It's one set prepared at a time;
12 beginning with the red set, which is the primary set.
13 And after that set is completed, the blue set is then
14 set up.

15 Q. If you take a look at Exhibit 44, IV Team
16 Member, on the first page, the red set, it lists times
17 for the preparations as 12:45, 12:48, 12:50, and 12:55.
18 Do you see that?

19 A. Are you are on Exhibit 44?

20 MR. SUTHERLAND: We've got a different
21 exhibit, Chris. Yeah, this may be what happened
22 the other day when we were with Lynne. This is a
23 chemical prep sheet from 5/16/19. Is that
24 correct, Team 1?

25 BY MR. SABIS:

1 Q. The one I've got is 4/14/21.

2 A. No, sir. I see a Chemical Preparation
3 Timesheet dated 5/16/19.

4 MR. SABIS: For Exhibit -- we're on
5 Exhibit 44?

6 MR. SUTHERLAND: Yes.

7 MR. SABIS: That's interesting, because I
8 just pulled Exhibit 44 up from the FTP site and
9 I'm seeing 4/14/21.

10 MR. SUTHERLAND: Yeah, this happened the
11 other day when -- this is on the thumb drive we
12 have. And Lynne at a break was able to figure out
13 the distinction, but there was a -- it's
14 somewhere. I'm not sure which --

15 MR. SABIS: Okay. We'll -- we'll take a
16 break. We'll take a break, and we may come back
17 to it.

18 MR. SUTHERLAND: What's the date again?

19 MR. SABIS: The date we have on our
20 Exhibit 44 is 4/14/21.

21 MR. SUTHERLAND: Okay. It's Exhibit 65
22 in the binder.

23 Look at -- IV Team 1, look at the Exhibit
24 65 and see if that's not a chemical prep timesheet
25 for 4/14 /21.

1 THE WITNESS: Yes, sir.

2 MR. SABIS: Okay. Thank you, Scott. I
3 appreciate that.

4 MR. SUTHERLAND: Yes, no worries.

5 BY MR. SABIS:

6 Q. All right. So we'll refer to the Exhibit
7 65 that you have, IV Team leader.

8 If you look on Page 1, you'll see the
9 prep times for the different drugs: 12:45, 12:48,
10 12:50 and 12:55. Do you see that?

11 A. Yes, sir.

12 Q. Now, if you turn to the second page for
13 the blue set, the times are also 12:45, 12:48, 12:50,
14 and 12:55. Do you see that?

15 A. Yes, sir.

16 Q. If the full red set is prepared first,
17 and then the blue set after the red set, how can
18 they -- how can these have been prepared at the same
19 times?

20 A. Couldn't have been.

21 Q. I'm sorry, could you say that again?

22 A. They could not have been.

23 Q. So these times are inaccurate?

24 MR. SUTHERLAND: Object to the form.

25 THE WITNESS: Yes, sir.

**VIDEOTAPED VIDEOCONFERENCE DEPOSITION
OF IV TEAM MEMBER 1**

59

1 MR. SABIS: All right. I would like to
2 take a five-minute break, if that's okay.

3 MR. SUTHERLAND: Okay.

4 MR. SABIS: Shall we go off the record?

5 THE VIDEOGRAPHER: We're off the record
6 at 11:09 a.m.

7 (Recess from 11:09 a.m. to 11:16 a.m.)

8 THE VIDEOGRAPHER: We're back on record
9 at 11:16.

10 THE WITNESS: Yes, sir.

11 BY MR. SABIS:

12 Q. IV Team Member, if you could please go to
13 Page 10 of the protocol, Exhibit 1. Let me know when
14 you're there.

15 A. Yes, sir.

16 Q. This is the blueprint that we've already
17 discussed. When is the last time before today that you
18 reviewed this blueprint?

19 A. On Monday, this past week.

20 Q. Have you ever reviewed this blueprint in
21 a training session with other members of the Execution
22 Team?

23 A. Yes.

24 Q. What training was that in?

25 A. It would have been the last --

Gibson Court Reporting

1 MR. SUTHERLAND: Form.

2 THE WITNESS: Mr. Sutherland, did you say
3 something?

4 MR. SUTHERLAND: I object to the form.
5 You can answer the question.

6 THE WITNESS: Okay. It would have been
7 the last annual training that we had.

8 BY MR. SABIS:

9 Q. Is this document reviewed at all of the
10 annual training sessions?

11 A. The entire protocol.

12 Q. Using this diagram or blueprint as a
13 reference, where are you located during a lethal
14 injection execution?

15 MR. SUTHERLAND: I'm going to object to
16 the form, based on his prior answer. You can
17 answer.

18 THE WITNESS: The lethal injection
19 Executioner's room.

20 BY MR. SABIS:

21 Q. Do you ever move to a different location
22 during an execution?

23 A. As long as it's a lethal injection, we're
24 in this room.

25 Q. Do other members of the IV Team move to

**VIDEOTAPED VIDEOCONFERENCE DEPOSITION
OF IV TEAM MEMBER 1**

61

1 different rooms?

2 MR. SUTHERLAND: Could you clarify,
3 Chris? Just you're talking about lethal injection
4 execution, right?

5 BY MR. SABIS:

6 Q. I'm talking about lethal injection
7 executions. Do other members of the IV Team other than
8 you leave the lethal injection Executioner's room?

9 A. The Executioner, the Recorder, and the
10 two Observers; once we're in this room, we don't leave.

11 Q. The EMTs, where are the EMTs located
12 during an execution?

13 A. They're in the area where the marking for
14 the lethal injection execution room is, in that room
15 right there. They're in that room, like a little
16 holding area.

17 Q. Is that where they are the entire time?

18 A. With the exception of when they go to the
19 gurney to hook the IVs up.

20 Q. When do they do that?

21 A. Once --

22 MR. SUTHERLAND: Object to the form.

23 THE WITNESS: Once the Warden gives the
24 okay to start.

25 BY MR. SABIS:

Gibson Court Reporting

1 Q. What do they do after they've hooked up
2 the IVs?

3 A. They go back to the waiting area.

4 Q. During an execution, how many people are
5 in the Executioner's room while the drugs are being
6 administered?

7 MR. SUTHERLAND: Object to the form.

8 THE WITNESS: Just the four.

9 BY MR. SABIS:

10 Q. And who are those four?

11 MR. SUTHERLAND: Same objection.

12 THE WITNESS: The Executioner,
13 Executioner Recorder, the Observer, and Observer
14 No. 2.

15 BY MR. SABIS:

16 Q. Thank you. During the execution, how
17 many people are in the execution chamber while the
18 drugs are being administered?

19 A. The Warden and the Assistant Warden.

20 Q. So two people?

21 A. Yes, sir.

22 Q. Do you ever enter the execution chamber
23 to insert IV lines into the prisoner?

24 MR. SUTHERLAND: Object to the form. You
25 can answer.

1 THE WITNESS: No, sir.

2 BY MR. SABIS:

3 Q. What are you doing while the IV lines are
4 being inserted?

5 MR. SUTHERLAND: Same objection.

6 THE WITNESS: I'm operating the
7 pan-tilt-zoom camera.

8 BY MR. SABIS:

9 Q. Do you enter the execution chamber to
10 attach the solution set from the bag of sodium chloride
11 to the catheter?

12 MR. SUTHERLAND: Same objection.

13 THE WITNESS: No, sir.

14 BY MR. SABIS:

15 Q. Who does that?

16 A. The EMT.

17 Q. Do you observe that procedure?

18 A. Yes.

19 Q. What is the distance between the gurney
20 and the Executioner's room?

21 A. Right outside the window.

22 Q. Is it about 2 feet, 3 feet?

23 A. Approximately.

24 Q. Is there a window between the
25 Executioner's room and the execution chamber?

**VIDEOTAPED VIDEOCONFERENCE DEPOSITION
OF IV TEAM MEMBER 1**

64

1 A. Yes.

2 Q. What type of window is it?

3 A. It's a tinted window.

4 Q. Is it one way?

5 A. No, I believe it's just a heavy tint.

6 Q. Are there ports in the window that allow
7 the tubing to connect from the Executioner's room to
8 the execution chamber?

9 A. Yes, sir.

10 Q. How many?

11 A. One.

12 Q. How big are they?

13 A. About 6-by-6, maybe, inches; 6 to 8
14 inches.

15 Q. And I apologize, I should clarify. It
16 should be "How big is it?" Because there's only one,
17 correct?

18 A. Correct.

19 Q. Is the port labeled in any way?

20 A. No, sir.

21 Q. Is there a window between the official
22 witness room and the execution chamber?

23 A. There is.

24 Q. What type of window is that?

25 A. Just a window that's covered by a screen

Gibson Court Reporting

1 and a curtain.

2 Q. Is there a camera in the Capital
3 Punishment Unit other than the pan-zoom camera?

4 A. No.

5 Q. You testified before that you operate the
6 pan-tilt-zoom camera, correct?

7 A. Yes.

8 Q. And that you turn it on when you enter
9 the lethal injection Executioner's room?

10 A. Correct.

11 Q. Is that written anywhere in the protocol?

12 MR. SUTHERLAND: Object to the form.

13 THE WITNESS: I believe it's -- it may be
14 under checking equipment for operation. I don't
15 remember.

16 BY MR. SABIS:

17 Q. Who operates the pan-zoom camera if
18 you're not there?

19 A. The Observer.

20 Q. Who made that decision?

21 MR. SUTHERLAND: Object to the form.

22 THE WITNESS: No one in particular. He
23 would be the one closest to the camera if I wasn't
24 there.

25 BY MR. SABIS:

1 Q. How big is the monitor in the
2 Executioner's chamber?

3 A. I'm not sure of the exact size. It's not
4 very big.

5 Q. Is it like a standard computer monitor?

6 A. Maybe just a little bit bigger.

7 Q. Are there multiple video feeds on the
8 monitor?

9 A. What do you mean when you say "video
10 feeds?"

11 Q. Are there -- are there different -- is
12 there more than one image shown on the monitor?

13 A. There are two different views inside of
14 the execution chamber.

15 Q. What do those views show?

16 A. Both of them show the execution chamber.
17 One is straight looking down on top of the gurney. And
18 the other one, I don't have any control of it. It's
19 just a standard camera that looks at the gurney from a
20 different angle.

21 Q. Are you able to hear what goes on in the
22 execution chamber while you're in the Executioner's
23 room?

24 A. Only -- we have a microphone, or a
25 speaker that's in there. And the only time we can hear

1 is when they turn that speaker on.

2 Q. When do they turn the speaker on?

3 MR. SUTHERLAND: Object to the form.

4 THE WITNESS: They turn it on when they
5 do the sound check prior to the execution.

6 BY MR. SABIS:

7 Q. Who operates that speaker?

8 A. It's the individual that's in the
9 overwatch control room.

10 Q. Is that speaker on during executions?

11 A. Yes.

12 Q. So can you hear what's going on during an
13 execution via the speaker?

14 A. Yes.

15 Q. Who else can hear what's going on in the
16 Executioner's chamber during an execution?

17 MR. SUTHERLAND: Object to the form.

18 THE WITNESS: I believe it's just us.

19 I'm actually not even sure if that speaker goes
20 into the deathwatch control room or not.

21 Oh, I'm sorry. Once it's on, I believe
22 the witnesses can hear.

23 BY MR. SABIS:

24 Q. Is the speaker turned off at any time
25 during the execution?

**VIDEOTAPED VIDEOCONFERENCE DEPOSITION
OF IV TEAM MEMBER 1**

68

1 A. I believe it's turned off after the
2 doctor pronounces him deceased, or time of death. Or
3 maybe just prior to that.

4 Q. Were you an IV Team Member who
5 participated in the August the 9th, 2018, execution of
6 Billy Ray Irick?

7 A. Yes, sir.

8 Q. Were you involved in the execution in any
9 capacity other than an IV Team Member?

10 A. No, sir.

11 Q. What was your role during Mr. Irick's
12 execution?

13 MR. SUTHERLAND: Object to the form.

14 THE WITNESS: Observer No. 2.

15 BY MR. SABIS:

16 Q. And as Observer No. 2, you were located
17 in the Executioner's room. Correct?

18 A. Yes, sir.

19 Q. How many total people were inside the
20 Executioner's room during the execution?

21 A. Four.

22 Q. Without giving their names, please
23 identify their positions.

24 A. The Executioner, execution Recorder,
25 execution Observer, execution Observer No. 2.

Gibson Court Reporting

1 Q. Please describe what you observed during
2 the execution.

3 A. Which part?

4 Q. Just give me, in your own words, a
5 narrative from the time the prisoner was brought into
6 the execution chamber.

7 A. So once he came in on the gurney, the
8 gurney was secured to the floor. The team removed the
9 restraints and strapped him down to the gurney.

10 Once the -- all the straps were checked and
11 rechecked, the Warden called the Commissioner to see if
12 there were any stays. And once given the go-ahead for
13 the execution at the time, the Warden -- I'm sorry --
14 then the IV Team came in and started IVs in the left and
15 right arms.

16 The hands were taped down. There were IV
17 drips in both arms. Then the Warden called to see if
18 there were any stays.

19 If there weren't any, the Warden came back
20 over and took his place and gave the signal and the
21 chemicals were administered by the Executioner.

22 Q. Where were you looking during the
23 execution? Were you looking at the monitor or through
24 the window?

25 A. Both.

1 Q. At what point were you looking through
2 the window?

3 MR. SUTHERLAND: Object to the form.

4 THE WITNESS: Once the chemicals process
5 had been completed, I think I may have looked
6 through the window and then back at the -- at the
7 IV monitor during the waiting period.

8 BY MR. SABIS:

9 Q. Where did you view the administration of
10 the chemicals?

11 A. Through the monitor.

12 Q. Were Mr. Irick's fingers taped to the
13 gurney during the execution?

14 A. Yes, palm up.

15 Q. Why?

16 MR. SUTHERLAND: Object to the form.

17 THE WITNESS: So that he couldn't
18 manipulate the IV, I'm assuming.

19 BY MR. SABIS:

20 Q. Were his arms taped down?

21 A. His arms weren't taped. They had straps
22 on them. Only the hands or the fingers are taped to
23 the gurney.

24 Q. Thank you for the clarification.

25 So were Mr. Irick's arms strapped down?

**VIDEOTAPED VIDEOCONFERENCE DEPOSITION
OF IV TEAM MEMBER 1**

71

1 A. Yes.

2 Q. If Mr. Irick's arms were strapped down,
3 how could he manipulate the IV with his fingers?

4 MR. SUTHERLAND: Object to the form.

5 THE WITNESS: I'm not sure. That's just
6 me speculating. I'm only assuming that the
7 purpose of the hands being taped is to -- just for
8 control purposes and so he can't manipulate the IV
9 in any form.

10 BY MR. SABIS:

11 Q. Did you observe any movement in
12 Mr. Irick's fingers during the execution?

13 A. No.

14 Q. Did you prepare the LICs for Mr. Irick's
15 execution?

16 A. No.

17 Q. Who did?

18 A. Prepare the IV? You mean who put the IVs
19 in?

20 Q. Who prepared the drugs for the execution?

21 A. I'm sorry. The Executioner.

22 Q. Did you observe the preparation of the
23 drugs?

24 A. I did.

25 Q. IV Team Member, would you please pull up

Gibson Court Reporting

1 Exhibit 58.

2 A. Okay.

3 Q. What is this document?

4 A. It's the Lethal Injection Chemical
5 Administration Record.

6 Q. For which execution?

7 A. For Inmate Billy Irick.

8 Q. Is this your handwriting?

9 A. No, sir.

10 Q. Would you turn to Page 3?

11 A. Yes.

12 Q. Is the handwriting on -- is the
13 handwriting on Page 3 your handwriting?

14 A. No, sir.

15 Q. Who prepared this handwriting?

16 MR. SUTHERLAND: Without identifying by
17 name, just by role.

18 THE WITNESS: The Executioner Recorder.

19 BY MR. SABIS:

20 Q. Did you see the Executioner Recorder
21 record this log?

22 A. Yes.

23 Q. Did the Executioner Recorder record the
24 log while the drugs were being prepared?

25 A. Yes.

1 Q. Was the second dose of midazolam prepared
2 during Mr. Irick's execution?

3 A. What do you mean when you say "second
4 dose?" Are there two syringes in the red set?

5 Q. Apologies. Was a blue set of midazolam
6 prepared during the execution?

7 A. Yes. Midazolam was only prepared when
8 it's time to be used. So everything in the second set,
9 the blue set, would be set up except for the midazolam.
10 We don't draw it up unless we're going to use it.

11 Q. So there was not a blue -- a blue set of
12 midazolam prepared during the execution?

13 A. There would not have been.

14 Q. Why is a blue set of midazolam not
15 prepared unless it's to be used?

16 A. Because we only use the midazolam if
17 we're going to use it. You don't draw it up because of
18 the time limit that's on it.

19 Q. What do you mean by "the time limit
20 that's on it?"

21 A. I believe there is a time limit, and from
22 my understanding we only draw the midazolam just prior
23 to using it.

24 Q. You mean -- do you mean a time limit for
25 how long it will last before it can't -- it can no

1 longer be used?

2 A. I believe that's right. We only -- I
3 know that we only draw it when we get ready to use it.
4 The vecuronium bromide and the potassium chloride and
5 saline we draw and put in both sets, but we only do the
6 midazolam if we want to use it.

7 Q. Is this practice a deviation from the
8 protocol?

9 MR. SUTHERLAND: Object to the form. You
10 can answer.

11 THE WITNESS: I don't know if there's an
12 exception in the protocols about the midazolam. I
13 do recall seeing something that says according to
14 the physician's instructions, and that would be
15 the physician's instructions.

16 BY MR. SABIS:

17 Q. How do you know that the midazolam can
18 only be used right when it's prepared?

19 A. It would be information that we receive
20 from the physician or the -- the pharmacy.

21 Q. Have you seen that information yourself?

22 A. No.

23 Q. Who told you that the midazolam could
24 only be used -- or could only be prepared right when
25 it's going to be used?

1 MR. SUTHERLAND: Don't identify a person,
2 just --

3 THE WITNESS: It probably would have been
4 the Executioner. It could be the Warden. I don't
5 remember exactly who said that.

6 BY MR. SABIS:

7 Q. Does the protocol require both sets of
8 midazolam to be prepared?

9 MR. SUTHERLAND: Object to the form.

10 THE WITNESS: Yes. I'll have to look at
11 the protocol again. I think it says a red set and
12 a blue set is supposed to be prepared.

13 BY MR. SABIS:

14 Q. Who authorized not preparing a blue set
15 of midazolam during the Irick execution?

16 MR. SUTHERLAND: Object to the form. You
17 can answer.

18 THE WITNESS: I don't know if it would
19 have been one particular person that authorized
20 it. Other than if it was past instructions on how
21 to prepare it then that's what we would have done,
22 is follow the instructions.

23 BY MR. SABIS:

24 Q. Who provides those instructions? Again,
25 without naming a name, just the position of the person.

1 A. I'm assuming the Executioner and the
2 Warden would have got it from the physician or the
3 pharmacy.

4 Q. You said you're assuming. Do you know
5 that for sure?

6 A. I believe it was the pharmacy, but I
7 can't say for sure.

8 Q. What is the purpose of preparing a red
9 set and a blue set of chemicals?

10 MR. SUTHERLAND: Object to the form. You
11 can answer.

12 THE WITNESS: In case there is an issue
13 with the red set, if a vein is blown, or if the
14 chemicals were issued and they were not effective,
15 then we would go to the blue set.

16 BY MR. SABIS:

17 Q. What would have happened if Mr. Irick had
18 still been conscious following injection of the red set
19 of midazolam?

20 A. We would have drew up the midazolam for
21 the blue set and started that process again.

22 Q. Were you involved in any of the practice
23 sessions leading up to Mr. Irick's execution?

24 A. Yes.

25 Q. When did those practice sessions take

1 place?

2 MR. SUTHERLAND: Object to the form.

3 THE WITNESS: We practice every month
4 leading up to and the week of.

5 BY MR. SABIS:

6 Q. For how many months before the execution
7 were those practice sessions held?

8 A. I believe we practice every month.

9 Q. Yes. For how many months leading up to
10 the execution?

11 A. Well, we practice every month.

12 Q. Every month --

13 A. Yes, sir.

14 Q. -- regardless of whether there's an
15 execution set?

16 A. Yes, sir.

17 Q. Thank you. How long do those practice
18 sessions last?

19 A. It could last, at a minimum, at least an
20 hour or so. And depending on the Warden's satisfaction
21 of the practice and depending on how many times we go
22 through the exercise.

23 Q. How many practice sessions took place in
24 the month leading up to Mr. Irick's execution?

25 A. I'm not sure.

1 Q. During Mr. Irick's execution, did you
2 measure the rate of injection of midazolam?

3 MR. SUTHERLAND: Object to the form.

4 THE WITNESS: No, sir.

5 BY MR. SABIS:

6 Q. Did anyone measure the rate of injection
7 of midazolam?

8 MR. SUTHERLAND: Object to the form.

9 THE WITNESS: No, sir. I'm not real sure
10 what you mean by "the rate." You mean how long it
11 took to --

12 BY MR. SABIS:

13 Q. How -- how long it took to inject the
14 midazolam, how fast the midazolam was injected.

15 A. No, sir. I don't know that it was a
16 timed thing. The Executioner typically just -- it's
17 just a slow, steady process until the syringe is
18 emptied.

19 Q. Does anyone measure that slow, steady
20 process in any way?

21 MR. SUTHERLAND: Object to the form.

22 THE WITNESS: No, sir.

23 BY MR. SABIS:

24 Q. Does anyone measure the rate of injection
25 of the vecuronium -- vecuronium bromide?

**VIDEOTAPED VIDEOCONFERENCE DEPOSITION
OF IV TEAM MEMBER 1**

79

1 A. No, sir.

2 Q. Does anyone measure the rate of injection
3 of the potassium chloride?

4 A. No, sir.

5 Q. Please pull up Exhibit 57. Let me know
6 when you have it.

7 A. Okay.

8 Q. What is this document?

9 A. This is the "Day of Execution -- Lethal
10 Injection Execution Recorder Checklist."

11 Q. Did the execution Recorder prepare this
12 log?

13 A. No.

14 Q. Who prepared this log?

15 MR. SUTHERLAND: Without identifying a
16 person; you can identify them by role, if you
17 know.

18 THE WITNESS: I don't know their exact
19 role or title, but it's a member in the deathwatch
20 control room.

21 BY MR. SABIS:

22 Q. Please take a look at Page 4.

23 A. Okay.

24 Q. Is this your handwriting on Page 4?

25 A. No, sir.

Gibson Court Reporting

**VIDEOTAPED VIDEOCONFERENCE DEPOSITION
OF IV TEAM MEMBER 1**

80

1 Q. If you take a look at Page 4 and compare
2 it to Page 1, it appears to be, again, an identical
3 form with different handwriting. Does that look
4 correct to you?

5 A. Yes.

6 Q. How many copies of this form were
7 prepared during Mr. Irick's execution?

8 MR. SUTHERLAND: Object to the form.

9 THE WITNESS: I'm not sure.

10 BY MR. SABIS:

11 Q. Do you know why more than one copy was
12 prepared?

13 A. I don't know that there were more than
14 one copy. There may have been two people in the room
15 doing the form. I'm not sure.

16 Q. Well, the form is filled out here by at
17 least two different people, correct?

18 A. It appears so.

19 Q. Do you know whether these two forms were
20 filled out at the same time or whether one was copied
21 later?

22 A. No, sir; I don't have any way of knowing
23 that.

24 Q. Did you see Mr. Irick move during the
25 consciousness check?

Gibson Court Reporting

**VIDEOTAPED VIDEOCONFERENCE DEPOSITION
OF IV TEAM MEMBER 1**

81

1 A. No, sir.

2 MR. SUTHERLAND: Objection.

3 THE WITNESS: I'm sorry?

4 MR. SUTHERLAND: Object to the form. You
5 can answer.

6 THE WITNESS: No, sir.

7 BY MR. SABIS:

8 Q. Did you see Mr. Irick move in reaction to
9 any of the drugs?

10 A. No, sir.

11 Q. What were you doing while the drugs were
12 being administered?

13 A. I was observing the IV site.

14 Q. Where were you looking to do that? Into
15 the monitor?

16 A. Yes, sir.

17 Q. What about after the consciousness check?
18 Where were you looking then?

19 A. During the consciousness check, I was
20 looking out the window observing the Warden complete
21 the consciousness check. And once he finished, back at
22 the IV site, or looking at both while the consciousness
23 check was going on.

24 Q. Do you recall Mr. Irick snoring during
25 the execution?

Gibson Court Reporting

**VIDEOTAPED VIDEOCONFERENCE DEPOSITION
OF IV TEAM MEMBER 1**

82

1 A. I don't remember, to be honest with you.

2 Q. Do you recall Mr. Irick breathing heavily
3 during the execution?

4 A. I don't recall.

5 Q. Do you recall Mr. Irick coughing or
6 choking during the execution?

7 A. No, sir.

8 Q. Do you recall whether Mr. Irick's face
9 changed color during the execution?

10 A. No, sir.

11 Q. IV Team Member, would you pull up Page 34
12 of the protocol? Back to Exhibit 1. Let me know when
13 you're there.

14 A. Okay.

15 Q. This page contains the list of drugs used
16 during a lethal injection. Do you want to take a
17 moment to review it? Let me know when you're ready.

18 A. Okay.

19 Q. What is your understanding of the purpose
20 for using vecuronium bromide?

21 MR. SUTHERLAND: Object to the form. You
22 can answer.

23 THE WITNESS: I don't know, other than
24 it's one of the three drugs that we utilize for a
25 lethal injection.

Gibson Court Reporting

1 BY MR. SABIS:

2 Q. I'm sorry, the voice distorter. Could
3 you repeat that answer, Team -- IV Team Member? I'm
4 sorry.

5 A. I'm not sure of the exact function of the
6 vecuronium bromide, other than it's the second drug or
7 chemical that we use in the lethal injection.

8 Q. Do you understand why TDOC chose
9 vecuronium bromide for -- for use in executions?

10 A. No, sir.

11 Q. How was the dosage of vecuronium bromide
12 determined?

13 MR. SUTHERLAND: Objection to the form.

14 THE WITNESS: I'm not sure.

15 BY MR. SABIS:

16 Q. Who made that determination?

17 MR. SUTHERLAND: Objection to the form.

18 And don't identify anybody by name.

19 THE WITNESS: I'm not sure.

20 BY MR. SABIS:

21 Q. What type of drug is vecuronium bromide?

22 MR. SUTHERLAND: Object to the form.

23 THE WITNESS: I'm not sure.

24 BY MR. SABIS:

25 Q. What is your understanding of the purpose

1 for using midazolam during an execution?

2 A. I'm not sure. I believe it's a drug that
3 puts the individual into a deep sleep.

4 Q. What is your understanding for why TDOC
5 chose midazolam for this purpose?

6 MR. SUTHERLAND: Object to the form. He
7 can answer, if he knows.

8 THE WITNESS: I'm not sure.

9 BY MR. SABIS:

10 Q. How was the dosage of midazolam
11 determined?

12 MR. SUTHERLAND: Same objection.

13 THE WITNESS: You mean why we used 100
14 milliliters?

15 BY MR. SABIS:

16 Q. Right now I'm just asking how it was
17 determined to use 100 milliliters of midazolam.

18 A. I'm not sure.

19 Q. Why is 100 milliliters of midazolam used?

20 MR. SUTHERLAND: Object to the form,
21 based on his previous answer.

22 THE WITNESS: I'm not sure.

23 BY MR. SABIS:

24 Q. Who made the determination to use 100
25 milliliters of midazolam during the execution?

1 MR. SUTHERLAND: Without identifying
2 anyone by name, you can answer if you know.

3 THE WITNESS: I'm not sure.

4 BY MR. SABIS:

5 Q. Without identifying anyone by name, who
6 made the determination to use midazolam at any dosage?

7 MR. SUTHERLAND: Objection.

8 THE WITNESS: I'm not sure.

9 BY MR. SABIS:

10 Q. What type of drug is midazolam?

11 A. I'm not sure.

12 Q. Do you know midazolam's drug
13 classification?

14 MR. SUTHERLAND: Object to the form.

15 THE WITNESS: No, sir.

16 BY MR. SABIS:

17 Q. Is midazolam typically used as an
18 anesthetic?

19 MR. SUTHERLAND: Object to the form.

20 THE WITNESS: I'm not sure.

21 BY MR. SABIS:

22 Q. Is midazolam FDA-approved as the sole
23 drug to produce and maintain anesthesia during painful
24 surgical proceedings?

25 MR. SUTHERLAND: Same objection.

1 THE WITNESS: I'm not sure.

2 BY MR. SABIS:

3 Q. Are you aware that midazolam has a
4 ceiling effect?

5 MR. SUTHERLAND: Object to the form.

6 THE WITNESS: I'm not sure.

7 BY MR. SABIS:

8 Q. Do you know what a ceiling effect is?

9 A. No, sir.

10 Q. Are you aware that midazolam is highly
11 acidic?

12 MR. SUTHERLAND: Object to the form.

13 THE WITNESS: I'm not sure.

14 BY MR. SABIS:

15 Q. What is your understanding of the purpose
16 for using potassium chloride?

17 A. I'm not sure.

18 Q. What is your understanding for why TDOC
19 chose potassium chloride for this purpose?

20 A. I'm not sure.

21 Q. How was the dosage of potassium chloride
22 determined?

23 MR. SUTHERLAND: Object to the form.

24 THE WITNESS: I'm not sure.

25 BY MR. SABIS:

1 Q. Who made that determination?

2 MR. SUTHERLAND: Don't identify anyone.

3 You can answer, if you know.

4 THE WITNESS: I'm not sure.

5 BY MR. SABIS:

6 Q. What type of drug is potassium chloride?

7 A. I'm not sure.

8 Q. Are any of the drugs listed here diluted
9 before they're administered?

10 A. Yes.

11 Q. Which ones?

12 A. The vecuronium bromide.

13 Q. Are any of the other drugs diluted?

14 A. No.

15 Q. Do you dilute the drugs?

16 MR. SUTHERLAND: Object to the form.

17 THE WITNESS: No.

18 BY MR. SABIS:

19 Q. Who dilutes the drugs?

20 A. The Executioner.

21 Q. Have you ever diluted the drugs?

22 A. No.

23 Q. Do you watch the Executioner when the
24 Executioner dilutes the drugs?

25 A. Yes.

1 Q. Why?

2 A. As an Observer, to make sure he -- he's
3 using the correct amount.

4 Q. But if you don't know which drugs are
5 diluted, what is the purpose of you observing the
6 dilution?

7 A. Because I'm observing when he draws up
8 the midazolam. I observe the process when he draws up
9 the vecuronium bromide, the saline solutions in
10 between, and the potassium chloride.

11 Q. I apologize. Could you repeat that
12 answer, please?

13 A. I observe when he draws up the midazolam,
14 the vecuronium bromide, the potassium chloride, and the
15 saline.

16 Q. You've just -- you've just testified that
17 you don't know what these drugs do, correct?

18 A. I don't know specifically what each one
19 does, but when he's drawing them up we look at the name
20 on the containers that the drugs are in and watch him
21 when he puts the -- the doses into the syringe.

22 Q. What are you looking for when you're
23 observing him draw these drugs?

24 A. That when he's drawing midazolam, it's
25 the midazolam. We check to make sure that the

1 expiration date is good and that he's using two
2 syringes of 50 cc's each of the 5-milligram solution,
3 both for the midazolam and the same for the vecuronium
4 bromide and the potassium chloride, according to the
5 cc's that the solution is supposed to be in.

6 Q. You've testified today that you attend an
7 annual training as part of the IV Team, correct?

8 A. Yes, sir.

9 Q. And you've attended monthly trainings, as
10 well, as part of the Execution Team, correct?

11 A. Yes, sir.

12 Q. Has anyone explained to you during these
13 trainings what these drugs are?

14 A. Not that I recall.

15 Q. Has anyone explained to you during these
16 trainings why these particular drugs are used?

17 MR. SUTHERLAND: Object to the form.

18 THE WITNESS: Not that I recall.

19 BY MR. SABIS:

20 Q. Have you ever asked anyone about what
21 these drugs are?

22 MR. SUTHERLAND: Object to the form.

23 THE WITNESS: I may have at one time, but
24 I -- I just don't remember. If somebody told me,
25 I just don't remember what they are.

1 BY MR. SABIS:

2 Q. Have you ever asked anyone why these
3 particular drugs were chosen?

4 A. I don't recall.

5 Q. Do you keep any records regarding the
6 dilution of the drugs?

7 A. I do not.

8 Just for clarification, when you say
9 "dilution of the drugs," are you talking about the
10 bacteriostatic water that we reconstitute the
11 vecuronium bromide with?

12 BY MR. SABIS:

13 Q. I'm talking -- when I'm talking about
14 dilution, I'm talking about if a drug is diluted with
15 saline.

16 A. Okay.

17 Q. So with that -- with that clarification,
18 I'll ask again: Do you keep any records of the
19 dilution of any drug?

20 A. No, sir.

21 Q. Does anyone on the IV Team?

22 A. Not that I know of.

23 Q. Does anyone on the Execution Team?

24 A. Not that I know of.

25 Q. Do you keep any records of when a drug is

1 reconstituted?

2 A. It would be in the preparation when we're
3 drawing the vecuronium bromide.

4 Q. And who records that?

5 A. The Executioner Recorder.

6 Q. Where are those records kept?

7 A. Once it's filled out, the paperwork is
8 given to the Warden.

9 Q. Turning back to Page 34 of the protocol.
10 On that page, it says that the drugs:
11 "Will either be FDA approved commercially
12 manufactured drugs or compounded
13 preparations prepared in compliance with
14 pharmaceutical standards consistent with
15 the United States Pharmacopoeia
16 guidelines."

17 Do you see that, that -- on that page?

18 A. Yes, sir.

19 Q. Are the drugs used in these executions
20 compounded?

21 A. I think that maybe the vecuronium
22 bromide. I'm not sure.

23 Q. What is the difference between a
24 compounded and a manufactured drug?

25 A. I'm not sure of the difference.

1 Q. Do you check the expiration dates of the
2 drugs before using them?

3 A. We all verify the execution date -- I'm
4 sorry, the expiration date prior to using it.

5 Q. When you say you all verify it, who are
6 you referring to -- without providing names?

7 A. It's verified in the armory when it's
8 taken out prior to being moved to the execution chamber
9 by the Warden, the Executioner, the Executioner
10 Recorder, and both Observers.

11 Q. All of those? So just to clarify, all of
12 those people participate in getting the drugs from the
13 armory?

14 A. Yes.

15 Q. And they all check the expiration dates
16 on the drugs?

17 A. We all look at the expiration date.

18 Q. Has the Execution Team ever used expired
19 drugs during an execution?

20 A. No, sir.

21 Q. Is there any circumstance under which the
22 Execution Team would use expired drugs during an
23 execution?

24 A. No, sir.

25 Q. Who would make a decision about what's to

1 be done if they found that one of the drugs was
2 expired?

3 MR. SUTHERLAND: Object to the form. You
4 can answer, if you know.

5 THE WITNESS: I'm assuming the Warden.

6 BY MR. SABIS:

7 Q. Do you know for sure?

8 A. No.

9 Q. IV Team Member, would you please go to
10 Page 35 of the protocol.

11 A. Okay.

12 Q. And I'll give you a moment to read
13 through that. Just let me know when you're ready.

14 (Witness reviews document.)

15 BY MR. SABIS:

16 Q. Have you had a chance to look at that, IV
17 Team Member?

18 A. Yes, sir.

19 Q. Under the "Storage of LIC," Section 1, it
20 says:

21 "When the LIC is received, a member of the
22 Execution Team and the Warden take the LIC
23 to the armory area of Building 7 at the
24 RMSI."

25 Do you see that?

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OF IV TEAM MEMBER 1**

94

1 A. Yes.

2 Q. Which member of the Execution Team takes
3 the LIC to the armory area?

4 MR. SUTHERLAND: Object to form. He can
5 answer, if he knows.

6 THE WITNESS: I'm not sure.

7 BY MR. SABIS:

8 Q. Was it ever you?

9 A. No.

10 Q. Do you know if it's always the same
11 person?

12 MR. SUTHERLAND: Object to the form.

13 THE WITNESS: I'm not sure.

14 BY MR. SABIS:

15 Q. Have you seen the storage container of
16 the LIC?

17 A. You mean the one in the armory?

18 Q. Yes.

19 A. Yes, there's two.

20 Q. When have you seen it -- or when have you
21 seen them? Excuse me.

22 A. I see them on the times that we verify
23 what was in the containers and the verification of the
24 drugs prior to us taking them out and on to the
25 execution chamber.

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1 Q. Is this what you described before, how
2 the members of the team go to retrieve the LIC and
3 check the expiration date before the execution?

4 A. Yes, sir.

5 Q. Do you see the storage container of the
6 LIC any time other than before the execution?

7 A. Only when we check the drugs when they
8 came in to look at the expiration or to check the
9 temperature inside of the storage container.

10 Q. So you check the expiration date on the
11 drugs when the drugs were first received?

12 A. I didn't see it when it was first
13 received. I do recall meeting the Warden and other
14 members of the IV Team to check the -- the drugs. This
15 was before the execution.

16 Q. When is this before the execution? Like
17 the day of?

18 A. We check it the day of, and I'm pretty
19 sure we checked it one more time prior to that. I
20 don't remember the exact date.

21 Q. Take a look at Item 2 under "Storage of
22 LIC." Do you see where it says "The Warden surrenders
23 the key?" It's about halfway through that paragraph.

24 A. Yes.

25 Q. Who is that one member of the Execution

1 Team to whom that key is surrendered?

2 MR. SUTHERLAND: Chris, can he just look
3 at Paragraph 2, just to see what key we're talking
4 about?

5 MR. SABIS: Sure.

6 MR. SUTHERLAND: Just review Paragraph
7 No. 2 there, and then he can -- he'll ask you a
8 question. Let him know when you're done.

9 MR. SABIS: Yes, just let me known when
10 you're ready, team leader -- or excuse me, IV Team
11 Member. I didn't mean to rush anyone.

12 MR. SUTHERLAND: You're good.

13 (Witness reviews document.)

14 THE WITNESS: So I -- I've never seen the
15 Warden give that key to anyone. The times that
16 I've seen it checked, the Warden was in the armory
17 with the Executioner and the other members of the
18 IV Team. I haven't seen him surrender that key to
19 anyone at any time.

20 BY MR. SABIS:

21 Q. And I apologize, IV Team Member. The
22 distorter got a little weird there.

23 You're saying you've never seen that key
24 surrendered at any time; is that right?

25 A. Yes, sir; that's correct. I've never

1 seen it.

2 Q. Looking at the last sentence of that
3 paragraph, that Section 2, it says: "Only the Warden
4 or designee is allowed to access the storage
5 container."

6 Do you know who the designee is who's
7 allowed to access the storage container, other than the
8 Warden?

9 A. No, sir.

10 Q. It's never been you?

11 A. No, sir.

12 Q. IV Team Member, please go to Page 39 of
13 the protocol. And I'll have questions about particular
14 parts of this. Would you go ahead and read Item 1 and
15 let me know when you've finished.

16 (Witness reviews document.)

17 THE WITNESS: Okay.

18 BY MR. SABIS:

19 Q. Is the lethal injection room the lethal
20 injection Executioner's room that we saw on Page 10 in
21 that diagram?

22 A. Yes, sir.

23 Q. This paragraph talks about two members
24 who bring the LICs to the lethal injection room.
25 Without naming them, who are those two members?

1 A. It's the Executioner, the Executioner
2 Recorder, and both Executioner Observers.

3 Q. So it's actually four members who
4 participate in that move; is that right?

5 A. Yes, sir; we all go.

6 Q. When exactly is "prior to the execution?"
7 When does this take place?

8 A. It's a couple hours prior to the
9 execution.

10 Q. How do you know when that's going to
11 happen?

12 A. It's a time predetermined by the
13 Executioner and the Warden; normally, a couple hours
14 prior to the start of the execution to get everything
15 set up and start getting everything in order.

16 Q. Who instructs you of that time?

17 A. I normally get the time from either the
18 Warden or the Executioner.

19 Q. In what container do you bring the LICs
20 to the Executioner's chamber?

21 A. It's a bag with no markings on it.

22 Q. What kind of bag? Is it transparent,
23 plastic, paper?

24 A. It's a -- just a regular bag that's
25 colored so you can't see inside of it.

1 Q. What's it made of?

2 A. I'm not sure.

3 Q. What exactly is the amount of chemicals
4 and saline sufficient to make two complete sets of nine
5 syringes each?

6 MR. SUTHERLAND: Object to the form.

7 THE WITNESS: I don't understand the
8 question.

9 BY MR. SABIS:

10 Q. Well, in Paragraph 1, it talks about the
11 amount of chemicals in saline sufficient to make --
12 sufficient to make two complete sets of nine syringes
13 each.

14 How much is that amount? How much do you
15 take from the -- from the armory?

16 A. So we take -- in the midazolam, it's
17 5-milligram vials. The saline is a minimum of 1,000
18 cc's in those bags. And we're gonna have two of those.

19 The vecuronium bromide, it takes 10 of
20 those vials and 10 vials of the bacteriostatic water.

21 And the potassium chloride is 2 -- 2 ml's
22 of solution of potassium chloride in a 60-cc syringe, and
23 we use two of those.

24 Q. Thank you for that answer. Just to
25 unpack it a little bit, how many vials of midazolam do

1 you need to make two complete sets of drugs for the
2 execution?

3 A. We need five.

4 Q. How many vials of ver- -- I cannot say
5 this word. I apologize, IV Team Member.

6 A. Vecuronium bromide.

7 Q. How many vials of vecuronium bromide do
8 you need to make two complete sets?

9 A. Ten.

10 Q. And how many vials of potassium chloride
11 do you need to make two complete sets?

12 A. Two.

13 Q. Who makes the determination on the amount
14 of -- on the number of vials of each drug to bring to
15 the Executioner's chamber?

16 A. The Executioner.

17 MR. SUTHERLAND: Object to the form.

18 THE WITNESS: Sorry.

19 BY MR. SABIS:

20 Q. And how do you know how many vials are
21 needed of each drug? Who -- who informed you of that?

22 A. It's set in the protocol.

23 Q. Looking at the last sentence in 1 on this
24 page, it says: "Only the Warden and one member of the
25 Execution Team have a key to the lethal injection

1 room."

2 Do you know who other than the Warden has
3 a key to the lethal injection room?

4 A. The key is given to the Executioner.

5 Q. Is it always the Executioner who holds
6 that key?

7 A. Yes.

8 Q. Have you ever held that key?

9 A. No, sir.

10 Q. Please take a look at Item 2 on Page 39.
11 And you can go ahead and read that.

12 A. Okay.

13 Q. Who draws the LICs into syringes?

14 A. The Executioner.

15 Q. Who observes and verifies that the
16 procedure has been carried out correctly?

17 MR. SUTHERLAND: Object to the form.

18 THE WITNESS: We all do.

19 BY MR. SABIS:

20 Q. When you say "We all do," who are you
21 referring to?

22 A. The execution Recorder, the execution
23 Observer, and the execution Observer No. 2.

24 Q. So you play a part in observing and
25 verifying that the procedure is carried out correctly?

1 A. Yes, sir.

2 Q. How do you verify that it's been carried
3 out correctly?

4 MR. SUTHERLAND: Object to the form.

5 THE WITNESS: By looking at what the
6 Executioner is doing. And also just observing
7 each other. We look at the paperwork that the
8 execution Recorder is doing. We observe the clock
9 to make sure our times are good. And we look at
10 the -- the monitor to observe the injection site.
11 We also observe when the Executioner is giving
12 the -- the chemicals.

13 BY MR. SABIS:

14 Q. What are you doing while the LICs are
15 being drawn into the syringes?

16 A. I'm watching the process of him drawing
17 them, the containers that he's pulling them out of.
18 And once he has them in the syringe, he passes it to
19 the Observer to look at and then the Observer shows me.

20 Q. What does it mean for the procedure to be
21 carried out correctly?

22 MR. SUTHERLAND: Object to the form.

23 THE WITNESS: That we're doing things the
24 way the protocol says we're supposed to be doing
25 them.

1 BY MR. SABIS:

2 Q. Do you have any background in chemistry?

3 MR. SUTHERLAND: Object to the form.

4 THE WITNESS: No, sir.

5 BY MR. SABIS:

6 Q. Does anyone else on the IV Team?

7 A. Not that I know of.

8 Q. Are the same-sized syringes used for all
9 three drugs?

10 A. Yes.

11 Q. What color is the content of the prepared
12 syringes of midazolam?

13 A. I'm not sure. I don't remember if
14 there's a color to it.

15 Q. Is it clear?

16 A. I don't recall, to be honest with you.

17 Q. Do you recall if the syringe -- the
18 prepared syringe -- if the content of the syringes of
19 all three drugs is the same color?

20 A. I don't remember.

21 Q. How can you tell which drug is in which
22 syringe?

23 A. Because the syringes are labeled. For
24 the red set, it's labeled with a red sticker with a
25 number on it and also the drug on the label.

1 Q. Who labels the syringes?

2 A. The Observer.

3 Q. Which Observer?

4 A. The first Observer.

5 Q. So it's not you?

6 A. No, sir.

7 Q. Do you observe the first Observer

8 labeling the syringes?

9 A. Yes, sir.

10 Q. What happens to the empty vials after the
11 syringes are prepared?

12 A. They're placed into a red biohazard bag.

13 Q. And where is that located?

14 A. Right up on the counter, inside the room.

15 Q. Who is going to label the syringes now

16 that the first Observer has left TDOC?

17 MR. SUTHERLAND: Object to the form. He
18 can answer, if he knows.

19 THE WITNESS: I'm not sure if there's
20 going to be another Observer to replace him or
21 not.

22 BY MR. SABIS:

23 Q. Have you heard anything from anyone about
24 whether Observer No. 1 is going to be replaced?

25 A. I have not.

1 Q. Please take a look at Item 4 on Page 39.
2 I believe it goes over to Page 40 of the protocol.
3 I'll give you a minute to take a look at that. Let me
4 know when you're ready.

5 A. I'm ready.

6 Q. Okay. Who is responsible for carrying
7 out each of the steps in Section 4?

8 A. The Executioner.

9 Q. And I believe you've testified before
10 that you observed the Executioner carrying out these
11 steps; is that right?

12 A. Yes, sir.

13 Q. Does anyone else observe the Executioner
14 carrying out these steps?

15 MR. SUTHERLAND: Object to the form. You
16 can answer.

17 THE WITNESS: Yes.

18 BY MR. SABIS:

19 Q. Have you seen written instructions on how
20 to prepare each of the three drugs?

21 A. As far as in the protocols?

22 Q. Anywhere. Have you seen written
23 instructions on how to prepare each of these drugs
24 anywhere?

25 A. In the protocols.

1 Q. Have you ever seen any written
2 instructions for preparing the drugs besides what's in
3 the protocol?

4 A. No, sir.

5 Q. Does the person -- so the person mixing
6 the drugs is the Executioner, correct?

7 A. Yes, sir.

8 Q. Does the Executioner have written
9 instructions in the execution -- excuse me, in the
10 Executioner's room when mixing the drugs?

11 A. No, sir.

12 Q. Have you ever seen the Executioner using
13 instructions while he or she is mixing the drugs?

14 A. No, sir.

15 Q. Did you or the other Observer ever refer
16 to any instructions while the Executioner was mixing
17 the drugs?

18 A. No, sir.

19 MR. SUTHERLAND: Object to the form.

20 THE WITNESS: No, sir. Sorry.

21 BY MR. SABIS:

22 Q. I'm sorry. Could you repeat that answer,
23 IV Team Member?

24 A. No, sir.

25 Q. Are there instructions on how to mix the

1 drugs in the Executioner's room while the drugs are
2 being mixed?

3 A. Not that I recall.

4 Q. If you don't have any instructions there
5 while the drugs are being mixed, how do you know
6 whether the Executioner is preparing the drugs
7 correctly?

8 A. By the protocols that we've been taught.

9 Q. Do you have the protocols with you in the
10 execution room to review?

11 A. I don't recall the protocols being in
12 there.

13 Q. So you're just going by memory on what
14 was in the protocols while you're observing the
15 Executioner preparing the drugs?

16 A. It -- it hasn't changed. It's been the
17 same every practice every month and before the
18 execution. If -- if the Executioner has the protocols,
19 I don't -- I don't remember seeing it.

20 Q. Looking again on Page 39 in 4(c), the
21 "Vecuronium Bromide" paragraph, the first sentence
22 says: "The vecuronium is in a powder form and must be
23 reconstituted with bacteriostatic water."

24 What does it mean to reconstitute
25 vecuronium bromide?

1 MR. SUTHERLAND: Objection to the form.

2 THE WITNESS: That it has to be mixed,
3 the powder with the water.

4 BY MR. SABIS:

5 Q. Who does this?

6 A. The Executioner.

7 Q. Do you observe the Executioner do this?

8 MR. SUTHERLAND: Object to the form.

9 THE WITNESS: Yes, sir.

10 BY MR. SABIS:

11 Q. Does anyone else observe the Executioner
12 do this?

13 MR. SUTHERLAND: Same objection.

14 THE WITNESS: Yes, sir.

15 BY MR. SABIS:

16 Q. Do you know how to reconstitute
17 vecuronium bromide?

18 A. You take the bacteriostatic water and mix
19 it into a vial and shake it up.

20 Q. How much water do you use?

21 A. 10 ml of bacteriostatic.

22 Q. If you had to reconstitute the vecuronium
23 bromide yourself, could you do it?

24 MR. SUTHERLAND: Object to the form.

25 THE WITNESS: I believe I can.

1 BY MR. SABIS:

2 Q. Have you ever done it before?

3 A. No, sir.

4 Q. Have you ever received training on how to
5 do it?

6 MR. SUTHERLAND: Object to the form.

7 THE WITNESS: No, sir.

8 BY MR. SABIS:

9 Q. Have you seen written instructions on how
10 to reconstitute vecuronium bromide?

11 A. Not anything other than the protocols.

12 Q. I'm sorry, could you repeat that? I
13 apologize.

14 A. Not anything other than the protocols.

15 Q. So the only instructions you've seen on
16 reconstituting vecuronium bromide are in the protocols,
17 correct?

18 A. Yes, sir.

19 Q. And do you know -- is that how you know,
20 from reading the protocols, whether the Executioner is
21 reconstituting the vecuronium bromide correctly?

22 A. Yes, sir. And the Executioner -- when we
23 first got there it was training, and -- and we
24 practiced the same thing every single month.

25 Q. Does the person -- does the Executioner

1 have written instructions with him when reconstituting
2 the vecuronium bromide in the Executioner's chamber?

3 A. Not that I recall, but I don't know
4 whether or not he has anything in writing or not. I
5 don't remember seeing anything.

6 MR. SABIS: Can we go off the record for
7 a moment?

8 THE VIDEOGRAPHER: We're off the record
9 at 12:30 p.m.

10 (Discussion off the record.)

11 (Recess at 12:30 p.m. to 1:16 p.m.)

12 THE VIDEOGRAPHER: We're back on the
13 record at 1:16 p.m.

14 MR. SUTHERLAND: David, what's our time?

15 THE VIDEOGRAPHER: It might take me a
16 second to add up.

17 MR. SABIS: About 2:20 from my clock.
18 About 2:25.

19 MR. SUTHERLAND: Okay. Very good.
20 Thanks.

21 BY MR. SABIS:

22 Q. IV Team Member, welcome back.

23 Did you speak with anyone during the
24 lunch break about the deposition?

25 A. No, sir.

1 Q. Did you speak with anybody during the
2 lunch break regarding your testimony in the deposition?

3 A. No, sir.

4 Q. Is there anything that is not part of the
5 protocol, Exhibit 1, that the IV Team consults in
6 preparing the midazolam?

7 MR. SUTHERLAND: Object to the form.

8 THE WITNESS: No, sir.

9 BY MR. SABIS:

10 Q. Is there anything that is not part of the
11 protocol that the IV Team consults in preparing
12 vecuronium bromide?

13 A. No, sir.

14 Q. Is there anything that is not part of the
15 protocol that the IV Team consults in preparing
16 potassium chloride?

17 A. No, sir.

18 Q. IV Team Member, if you could go to Page
19 44 in the protocol. Let me know when you're there.

20 A. Okay.

21 Q. Please read Item 1. Take a moment, let
22 me know when you're done.

23 (Witness reviews document.)

24 THE WITNESS: Okay.

25 BY MR. SABIS:

1 Q. You've testified that you observe the
2 catheters to ensure that there's no swelling; is that
3 right?

4 A. Yes, sir.

5 Q. How would you describe swelling?

6 A. Disfigurement from where the -- the IV is
7 placed after the fact, once the catheter's been
8 inserted. Skin rising.

9 Q. Have you ever received training on
10 identifying swelling?

11 A. Yes.

12 Q. When?

13 A. It was covered when we had the -- the IV
14 training several years ago.

15 Q. Is that part of the annual training?

16 A. No, sir; the training that we did, the
17 one-time training when someone came in and taught the
18 class on IVs.

19 Q. So the original IV Team training you
20 described earlier?

21 A. Yes, sir.

22 Q. During an execution, have you ever
23 noticed a problem with the insertion of the catheters?

24 A. No, sir.

25 Q. What would you do if you did notice such

1 a problem?

2 MR. SUTHERLAND: Objection to the form.

3 You can answer.

4 THE WITNESS: I would notify the
5 Executioner.

6 BY MR. SABIS:

7 Q. What would the Executioner do if there
8 were a problem with the catheters?

9 MR. SUTHERLAND: Objection to the form.
10 He can answer, if he knows what the Executioner
11 would do.

12 THE WITNESS: I don't. I think that he
13 would notify the Warden if there's a problem.

14 BY MR. SABIS:

15 Q. Have you ever received training on
16 identifying a problem with the catheter insertion?

17 A. Nothing but the training that we had
18 initially.

19 Q. Did you receive training on recognizing a
20 problem with catheter insertion during that initial IV
21 training?

22 A. Yes, she did talk about that.

23 Q. Have you received any other training on
24 that topic?

25 A. No, sir.

1 Q. If you notice a problem with the
2 insertion of the catheters, do you have the authority
3 to stop the process?

4 MR. SUTHERLAND: Objection to the form.

5 THE WITNESS: I don't know that I have
6 the authority as an Observer. I would notify the
7 Executioner, and he the Warden.

8 BY MR. SABIS:

9 Q. Does the Warden have the authority to
10 stop the process?

11 MR. SUTHERLAND: Objection to the form.
12 He can answer, if he knows.

13 THE WITNESS: I'm not sure.

14 BY MR. SABIS:

15 Q. Take a look at Item 2 on Page 44, please.

16 A. Okay.

17 Q. Why is that in the protocol?

18 MR. SUTHERLAND: Objection to the form,
19 based on his prior answer.

20 THE WITNESS: I'm not sure. I guess it's
21 to tell you that you tape the hands to the arm
22 support.

23 BY MR. SABIS:

24 Q. Have you ever discussed with anyone why
25 this is in the protocol?

1 A. No.

2 Q. What type of movement is this seeking to
3 prevent?

4 MR. SUTHERLAND: Objection to the form.
5 You can answer.

6 THE WITNESS: Movement of the hands.

7 BY MR. SABIS:

8 Q. Why is it seeking to prevent movement of
9 the hands?

10 MR. SUTHERLAND: Object to the form. He
11 can answer, if he knows.

12 THE WITNESS: I believe it's in case
13 there is an IV in the back of the hand or the
14 wrist, to keep their hands still.

15 BY MR. SABIS:

16 Q. What type of tape is used?

17 A. It's whatever tape that -- the tape that
18 tapes the hands down?

19 Q. Yes, what kind of tape is used to -- is
20 used for the procedure described in No. 2 here?

21 A. I'm not sure what the tape is called.
22 It's a brown, brownish-colored tape. I don't now.
23 I'm --

24 Q. Is it a medical tape?

25 A. I'm not sure what type of tape it is.

1 Q. And I apologize. I didn't mean to
2 interrupt you, IV Team Member.

3 Does anyone remain inside the execution
4 chamber after the hands are taped in place?

5 A. No one other than the Warden and the
6 Assistant Warden.

7 Q. Please take a look at Item 4. Item 4
8 talks about designated members of the IV Team entering
9 the lethal injection room and assuming their
10 preassigned stations. Are you one of those
11 individuals?

12 A. Yes, sir.

13 Q. What is your preassigned station?

14 MR. SUTHERLAND: Objection to the form,
15 based on his prior answer.

16 THE WITNESS: Inside the lethal injection
17 room.

18 BY MR. SABIS:

19 Q. Where are you in the lethal injection
20 room?

21 A. Facing the window, I'm on the left-hand
22 side.

23 Q. Who preassigns the stations inside the
24 lethal injection room for the designated members of the
25 IV Team?

1 A. I don't think that they're preassigned.
2 I think it's by proxy. The -- the monitor is on the
3 far left, so that's where I'm at. The -- where we keep
4 the paperwork is on the far right, which is where the
5 execution Recorder is.

6 The Executioner is right in front where
7 the -- the IVs are. And to the left is the red box
8 where the Observer sits. So everybody is kind of just
9 in place.

10 Q. Who instructed you where to be?

11 A. When I got on the team, that was the spot
12 that was open. That's the spot that they indicated.

13 Q. Who is "they?" Who assigned you to the
14 team?

15 A. The Warden.

16 Q. Does the Warden designate all members of
17 the Execution Team?

18 MR. SUTHERLAND: Object to the form. You
19 can answer.

20 THE WITNESS: Yes.

21 BY MR. SABIS:

22 Q. Please take a look at Section 4(a) on
23 this page. It says that: "An IV Team Member observes
24 the process, including monitoring catheter sites for
25 swelling and discoloration."

1 Is this referring to you?

2 A. Yes, sir.

3 Q. Please take a look at Section 4(b). It
4 says that "An IV Team Member observes the process and
5 hands the syringes to the Executioner in the prescribed
6 order."

7 Is this you?

8 A. No, sir.

9 Q. Without giving me a name, who is this?

10 A. Observer 1.

11 Q. How does Observer 1 know which order to
12 hand the syringes to the Executioner?

13 A. They're numbered 1 through 9, 1 being the
14 closest to the Executioner. And he just picks it up
15 and hands it to him in order.

16 Q. Take a look at Section 5 on this page.
17 This talks about "The Executioner selects either the
18 left or right solution set line."

19 Does the Executioner consult with anyone
20 in making this decision?

21 A. No, sir. As long as there are no issues
22 with the drip or -- or the swelling at the injection
23 sites, he always used the left side. It's closest.

24 Q. Why is the left line used if they're both
25 equal?

1 A. I'm assuming it's because it's the
2 closest. The chemicals don't have as far to travel.

3 Q. So you're saying it's the shortest
4 distance between the injection site and the prisoner?

5 A. Yes, sir.

6 Q. Do you know why the designation of the
7 left side being used if both sides are equal is in the
8 protocol?

9 A. No, sir; I do not.

10 Q. Have you ever discussed this provision
11 with anyone?

12 A. No, sir.

13 Q. Please take a look at Section 6 on this
14 page.

15 A. Okay.

16 Q. And what does it mean to clamp the line
17 near the spike?

18 A. It's the -- to stop the -- the flow,
19 don't send any more down prior to pushing the
20 chemicals.

21 Q. During an execution, are you able to see
22 the Warden signal the Executioner?

23 A. Yes.

24 Q. What is the signal?

25 THE WITNESS: Scott, am I allowed to say

1 it?

2 MR. SUTHERLAND: You are.

3 THE WITNESS: He rubs his face with his
4 hand.

5 BY MR. SABIS:

6 Q. Did you see this signal during
7 Mr. Irick's execution?

8 A. Yes.

9 Q. Take a look at Section 7, which is on
10 Page 45.

11 A. Okay.

12 Q. Does anyone on the IV Team measure the
13 pressure that is being used?

14 MR. SUTHERLAND: Object to the form,
15 based on his prior answer.

16 THE WITNESS: No, sir.

17 BY MR. SABIS:

18 Q. In the second sentence of Section 7, it
19 says:

20 "Should there be or appear to be any
21 swelling around the catheter or if there is
22 resistance to the pressure being applied to
23 the plunger, the Executioner pulls the
24 plunger back."

25 Do you see that?

1 A. Yes.

2 Q. What qualifies as resistance to the
3 pressure being applied to the plunger?

4 MR. SUTHERLAND: Objection to the form.
5 He can answer, if he knows.

6 THE WITNESS: I think if there's
7 resistance in pushing the plunger in.

8 BY MR. SABIS:

9 Q. Right. But what -- what I'm asking is,
10 what is -- what qualifies as resistance?

11 MR. SUTHERLAND: Same objection.

12 THE WITNESS: I don't know, other than
13 the fact that if -- if you apply pressure, the
14 plunger should go in. And if you apply pressure
15 to the plunger and there's nothing moving or going
16 in, then I would say that qualifies.

17 BY MR. SABIS:

18 Q. Why is it okay for the execution to
19 proceed if the extension line starts to fill with
20 blood?

21 MR. SUTHERLAND: Object to the form. He
22 can answer, if he knows.

23 THE WITNESS: If he draws back and blood
24 is in the line, that shows that he's in the -- in
25 the vein and he can proceed.

1 BY MR. SABIS:

2 Q. Who decides whether to discontinue the
3 line and start the process on the other side with the
4 backup set of syringes?

5 A. The Executioner will let the Warden know,
6 and then they would go to the other line.

7 Q. You testified a moment ago that Observer
8 1 is the individual who hands the Executioner the
9 syringes. Is that always the case?

10 A. Yes, for the most part. I have seen the
11 box right in front of the Executioner. He has picked
12 up the syringe, shown the Observer and shown Observer
13 No. 2 and the execution Recorder.

14 Every syringe that's picked up, we all
15 look at it to make sure it's the right number and we
16 verify as to the right amount of cc's in it.

17 Q. Have you ever handed the syringe -- a
18 syringe to the Executioner?

19 A. No, sir.

20 Q. What are you doing while the syringes are
21 being handed to the Executioner?

22 MR. SUTHERLAND: Objection to the form.

23 THE WITNESS: Whoever picks up the
24 syringe, he shows everybody the syringe so we
25 verify the number and what syringe it is that

1 we're using. And as he hooks up the syringe, I'm
2 looking at the IV site.

3 BY MR. SABIS:

4 Q. What do you do if you observe that the
5 order of the syringes is not correct?

6 MR. SUTHERLAND: Object to the form.

7 THE WITNESS: I would say something right
8 then.

9 BY MR. SABIS:

10 Q. Who would you tell?

11 A. The Executioner and everybody in the
12 room.

13 Q. How does -- excuse me one moment.

14 Please take a look at Section 9 on Page 45.
15 How does the IV Team ensure that the line is opened below
16 the spike to allow a drop of one to two drops per second
17 in the drip chamber?

18 A. Once the clamp is open, you can look at
19 the -- the drip chamber and look at the drops that's
20 fallen.

21 Q. Is the rate of the drops measured?

22 A. It's normally one or two drops a second.

23 Q. Is that timed?

24 A. We mainly just do it by looking at it.

25 Q. Who's responsible for observing that?

1 A. The Executioner.

2 Q. How does the Executioner signal the
3 Warden that all of the LIC and saline solution have
4 been administered?

5 A. A block is placed into the chamber.

6 Q. Where is it placed into the chamber?

7 A. I say the chamber; I mean the window, the
8 hole in the wall.

9 Q. Understood. Thank you. What do you do
10 when this happens?

11 A. I continue to observe the IV site, and
12 typically I look out the window and back and forth.

13 Q. IV Team Member, would you please go to
14 Page 66 of the protocol. This is the evening schedule
15 starting at 7:10. Please let me know when you're
16 there.

17 A. Okay.

18 Q. Please take a moment to read Section 4.
19 (Witness reviews document.)

20 THE WITNESS: Okay.

21 BY MR. SABIS:

22 Q. Where is the lethal injection Recorder
23 located while the Executioner begins to administer the
24 first chemical?

25 A. To the right of the Executioner.

1 Q. Take a look at Section 5. It says that:
2 "After 500 milligrams of midazolam and a
3 saline flush have been dispensed, the
4 Executioner shall signal the Warden and
5 await further direction from the Warden."
6 What's the purpose of this pause?

7 A. It's to ensure that the midazolam has
8 worked.

9 Q. How does the Executioner signal the
10 Warden?

11 A. By placing a block into the -- into the
12 window.

13 Q. How does the Warden decide how long to
14 wait?

15 A. He waits two minutes.

16 Q. And that's in Section 6, correct?

17 A. Yes, sir.

18 Q. Why two minutes?

19 MR. SUTHERLAND: Object to the form.

20 THE WITNESS: I'm not sure. That's what
21 the protocol says.

22 BY MR. SABIS:

23 Q. Who made the determination that it should
24 be two minutes?

25 MR. SUTHERLAND: Object to the form.

1 THE WITNESS: I'm not sure.

2 BY MR. SABIS:

3 Q. What is that determination based on?

4 MR. SUTHERLAND: Same objection.

5 THE WITNESS: Waiting on the two minutes
6 to occur.

7 BY MR. SABIS:

8 Q. I'm sorry, could you repeat that, Team
9 Member?

10 A. Waiting on the two minutes to occur.

11 Q. Yes. What is that determined -- why --
12 what was the determination that the Warden should wait
13 two minutes based on? Why? Why was it decided that
14 that should be two minutes?

15 A. I'm not sure.

16 Q. IV Team Member, would you please read
17 Section 7 on Page 66 and let me know when you're done.

18 (Witness reviews document.)

19 THE WITNESS: Okay.

20 BY MR. SABIS:

21 Q. The section talks about the consciousness
22 checks that the Warden conducts. Did the Warden
23 perform each of these checks during Mr. Irick's
24 execution?

25 A. Yes.

1 Q. What does it mean to be unconscious?

2 MR. SUTHERLAND: Object to the form.

3 THE WITNESS: Not moving, not responding.

4 BY MR. SABIS:

5 Q. Is there a difference between being
6 asleep and being unconscious?

7 MR. SUTHERLAND: Object to the form.

8 THE WITNESS: I would think so.

9 BY MR. SABIS:

10 Q. What is the difference between being
11 asleep and being unconscious?

12 MR. SUTHERLAND: Same objection.

13 THE WITNESS: Being asleep, I would think
14 that you could be awakened. Unconscious, you're
15 not being awakened. Not responding at all.

16 BY MR. SABIS:

17 Q. You can't be awoken when you're
18 unconscious?

19 A. I think that that's the difference, from
20 how I see it. If you're unconscious, you're -- you're
21 not responding. There's no responsiveness at all.

22 Q. Can you be awakened when you're
23 unconscious?

24 MR. SUTHERLAND: Object to the form.

25 THE WITNESS: I guess -- I don't know if

1 there is a different type of unconsciousness or
2 not. I guess you could be unconscious if you were
3 -- bumped your head and was knocked unconscious,
4 and maybe if something happened to bring you back
5 around.

6 I think, for this, unconsciousness would
7 mean that he's not able to wake up or not waking
8 up. Not responsive in any way.

9 BY MR. SABIS:

10 Q. Is there a difference between
11 unresponsive and being insensate?

12 MR. SUTHERLAND: Object to the form.

13 THE WITNESS: I don't know the second
14 word.

15 BY MR. SABIS:

16 Q. You don't know what "insensate" means?

17 A. No.

18 Q. Is there a difference between being
19 unresponsive and being unable to feel anything?

20 MR. SUTHERLAND: Object to the form.

21 THE WITNESS: I'm not sure.

22 BY MR. SABIS:

23 Q. How can you tell whether someone is
24 unresponsive, as opposed to being unable to feel
25 anything?

1 MR. SUTHERLAND: Object to the form.

2 THE WITNESS: I'm not sure.

3 BY MR. SABIS:

4 Q. What does "unresponsive" mean?

5 MR. SUTHERLAND: Object to the form.

6 THE WITNESS: That a person is not
7 responsive.

8 BY MR. SABIS:

9 Q. Can you be unresponsive and still feel
10 things?

11 MR. SUTHERLAND: Object to the form.

12 THE WITNESS: I'm not sure.

13 BY MR. SABIS:

14 Q. Can you be unresponsive and still feel
15 pain?

16 MR. SUTHERLAND: Object to the form.

17 THE WITNESS: I'm not sure.

18 BY MR. SABIS:

19 Q. Are you aware of any medical standards
20 related to checking for consciousness?

21 A. No, sir.

22 Q. Have you ever been trained in how to
23 check for consciousness?

24 A. Only what the protocol says.

25 Q. Was checking for consciousness part of

1 your IV Team training?

2 A. No, sir.

3 Q. Was checking for consciousness part of
4 any of your annual trainings as a member of the
5 Execution Team?

6 A. No, sir.

7 Q. Have you ever received training on what
8 it means to be conscious?

9 A. No, sir.

10 Q. Is movement of the fingers an indicator
11 of consciousness?

12 MR. SUTHERLAND: Object to the form.

13 THE WITNESS: I'm not sure. Just if
14 you -- if you move your fingers, you may be
15 conscious. I'm not sure.

16 BY MR. SABIS:

17 Q. All right. You've testified before that
18 during an execution the prisoner's fingers are taped to
19 the arm support, correct?

20 A. Yes.

21 Q. Can the Warden see if the prisoner's
22 fingers move during an execution if they're taped to
23 the arm support?

24 MR. SUTHERLAND: Object to the form.

25 THE WITNESS: I'm not sure.

1 BY MR. SABIS:

2 Q. Does it matter to you whether the
3 prisoner is conscious during an execution?

4 MR. SUTHERLAND: Object to the form.

5 THE WITNESS: I would think that he would
6 need to be unconscious, as the protocol talks
7 about that in No. 7.

8 BY MR. SABIS:

9 Q. Is con- -- is unconsciousness the same
10 thing as unresponsiveness?

11 MR. SUTHERLAND: Object to the form.

12 THE WITNESS: I'm not sure.

13 BY MR. SABIS:

14 Q. Take a look at Section 7, the last
15 sentence. It says: "If the condemned inmate is
16 responsive, the Warden shall direct the Executioner to
17 switch to the secondary IV line."

18 Do you see that?

19 A. Yes, sir.

20 Q. What does it mean to be responsive?

21 MR. SUTHERLAND: Object to the form.

22 THE WITNESS: If the inmate responded to
23 any of the three conscious checks.

24 BY MR. SABIS:

25 Q. What do you mean when you say "to

1 respond?"

2 MR. SUTHERLAND: Object to the form.

3 THE WITNESS: It's if the inmate -- if
4 the Warden rubbed the back of the inmate, the
5 eyelashes, and there was a response. Or if he
6 called his name and the inmate responded. Or if
7 he grabbed the trapezius muscle and twisted it; if
8 the inmate responded to that, then I would say
9 that would be a response.

10 BY MR. SABIS:

11 Q. Can a movement be a response?

12 MR. SUTHERLAND: Object to the form.

13 THE WITNESS: I'm not sure.

14 BY MR. SABIS:

15 Q. Can a sound be a response?

16 MR. SUTHERLAND: Object to the form.

17 THE WITNESS: I'm not sure.

18 BY MR. SABIS:

19 Q. Why does the protocol require that the
20 prisoner is unconscious?

21 MR. SUTHERLAND: Object to the form.

22 THE WITNESS: I'm not sure.

23 BY MR. SABIS:

24 Q. Have you ever discussed with anyone why
25 the protocol requires a prisoner to be unconscious?

1 A. No, sir.

2 Q. Have you ever discussed with anyone the
3 difference between unconsciousness and
4 unresponsiveness?

5 A. No, sir.

6 Q. Who determines whether the inmate is
7 responsive?

8 A. The Warden.

9 Q. Is it part of your duties to observe as
10 the Warden makes this assessment?

11 A. No.

12 Q. Is that part of anyone's duties to
13 observe while the Warden makes the assessment?

14 A. I don't know if it's actually part of the
15 assignment; but, I mean, we're all watching to see if
16 there's any responses when the Warden do his conscious
17 checks.

18 Q. So you watch --

19 A. I don't remember --

20 Q. I'm sorry, go ahead. I apologize.

21 A. I was going to say, I don't remember
22 seeing it written anywhere that we were supposed to
23 observe the Warden.

24 Q. But you just said that you do watch the
25 consciousness check, correct?

1 A. Yes, sir; we do.

2 Q. If you disagree with the Warden's
3 assessment during the consciousness check, what would
4 you do?

5 MR. SUTHERLAND: Object to the form.

6 THE WITNESS: I would notify the
7 Executioner and have him notify the Warden.

8 BY MR. SABIS:

9 Q. If you disagreed with the Warden's
10 decision regarding consciousness, would you have the
11 authority to stop the procedure?

12 MR. SUTHERLAND: Object to the form.

13 THE WITNESS: I don't know that I would.

14 BY MR. SABIS:

15 Q. Would the Executioner have authority to
16 stop the procedure?

17 MR. SUTHERLAND: Object to the form.

18 THE WITNESS: I don't know that he would.

19 BY MR. SABIS:

20 Q. Have you trained for a contingency where
21 you or one of the other members of the Execution Team
22 disagrees with the Warden's determination on
23 consciousness?

24 A. No.

25 Q. Have you ever disagreed with the Warden's

1 assessment of responsiveness during a past execution?

2 A. No, sir.

3 Q. Why do you switch to the second IV line
4 if the inmate is responsive?

5 MR. SUTHERLAND: Object to the form.

6 THE WITNESS: Because that's what the
7 protocols say. And if he's conscious, we move to
8 the second set.

9 BY MR. SABIS:

10 Q. Why does the -- excuse me, I'm sorry.
11 Why does the protocol say that?

12 MR. SUTHERLAND: Object to the form.

13 THE WITNESS: I'm not sure.

14 BY MR. SABIS:

15 Q. IV Team Member, please take a look at
16 Section 8 on Page 66. You can read that. Let me know
17 when you've had a chance to read it.

18 (Witness reviews document.)

19 THE WITNESS: Okay.

20 BY MR. SABIS:

21 Q. What is the purpose of the five-minute
22 waiting period following the completion of the lethal
23 injection process?

24 MR. SUTHERLAND: Object to the form. He
25 can answer, if he knows.

1 THE WITNESS: To make sure that all of
2 the chemicals have worked like they were supposed
3 to.

4 BY MR. SABIS:

5 Q. Have you ever discussed the purpose of
6 this waiting period with anyone?

7 A. I may have discussed it briefly early on,
8 saying that I might have asked, "Why do we wait two
9 minutes, or why do we wait five minutes?"

10 Q. Who would you have discussed it with?

11 A. It probably would have been somebody on
12 the IV Team, maybe the Executioner. I don't know. One
13 of the IV members.

14 Q. What do you do while the physician is
15 completing his examination?

16 A. I'm just observing, observing the
17 process. Watching the inmate, watching the -- the
18 doctor.

19 Q. Section 8 says that -- at the last --
20 excuse me, the second-to-the-last sentence says that
21 "The physician reports his findings to the Warden or
22 designee."

23 In Mr. Irick's execution, did the
24 physician report -- did the Warden report -- I'm sorry,
25 let me back up and ask that question again. I

1 apologize.

2 During Mr. Irick's execution, did the
3 physician report his findings to the Warden or to the
4 Warden's designee?

5 A. To the Warden.

6 Q. Have you ever sent the physician report
7 findings to anyone other than the Warden?

8 A. No, sir.

9 Q. The protocol mentions a closed-circuit TV
10 camera. Is that the pan-tilt-zoom camera?

11 A. Yes, sir.

12 Q. Is there another camera in the execution
13 area, other than the pan-tilt-zoom camera?

14 A. Not that I'm aware of.

15 Excuse me. When I say that, I guess
16 there's two cameras, because I have two different views.
17 Is that what you're talking about?

18 Q. You're -- you're referring to the two
19 views on the -- on the pan-tilt-zoom camera?

20 A. Yes, sir. But one of them is a
21 stationary and one of them is a pan-tilt-zoom.

22 Q. Is there any camera in the execution area
23 other than the cameras that feed into that view -- that
24 feed into the pan-tilt-zoom camera view?

25 A. Not that I know of.

1 Q. Would you please go to Page 69 of the
2 protocol. And please read that over and let me know
3 when you're ready.

4 (Witness reviews document.)

5 THE WITNESS: Okay.

6 BY MR. SABIS:

7 Q. Are there contingency issues listed --
8 are the contingency -- excuse me, I will try that
9 again. Boy, that's two in like two minutes.

10 Are the contingency issues listed on this
11 page the only contingency issues you are prepared to
12 address during an execution?

13 A. Yes.

14 Q. Do you receive any training on any other
15 contingency issue aside from those listed on this page?

16 A. No, sir.

17 Q. What would happen if a different
18 contingency arose during an execution? And I'll give
19 you an example.

20 For example, what would happen if the
21 prisoner had an unanticipated medical issue?

22 MR. SUTHERLAND: Object to the form.

23 THE WITNESS: I'm not sure.

24 BY MR. SABIS:

25 Q. What would happen if a member of the

1 Execution Team had an unanticipated medical issue?

2 MR. SUTHERLAND: Object to form. And
3 just to save time, I'll object to all these
4 questions about what-ifs.

5 THE WITNESS: Yeah, I'm not sure.

6 BY MR. SABIS:

7 Q. Whose duty is it to make decisions about
8 how to address contingencies that are not provided for
9 in the protocol?

10 MR. SUTHERLAND: Object to the form.

11 THE WITNESS: I assume the Warden.

12 BY MR. SABIS:

13 Q. Does the Warden have unilateral authority
14 to address other contingencies?

15 MR. SUTHERLAND: Object to the form.

16 THE WITNESS: I'm not sure. It's just an
17 assumption.

18 BY MR. SABIS:

19 Q. Around the middle of the page, it talks
20 about switching to the secondary IV line. Do you see
21 that?

22 A. Yes, sir.

23 Q. Why would you switch to the secondary IV
24 line and begin the administration of the second set of
25 syringes using the reserve tray?

1 A. If a --

2 MR. SUTHERLAND: Objection.

3 THE WITNESS: I'm sorry.

4 MR. SUTHERLAND: Object to the form. You
5 can answer.

6 THE WITNESS: I think for several
7 reasons. If one, there's an issue with the IV
8 line; for instance, swelling. If there was
9 resistance in pushing. Or if we got through the
10 midazolam and the inmate was conscious, then we
11 would switch to the second set.

12 BY MR. SABIS:

13 Q. If the second set of syringes is
14 injected -- excuse me, let me -- let me rephrase.

15 If the Executioner injects all four
16 syringes of midazolam, how much total midazolam is
17 injected into the prisoner?

18 MR. SUTHERLAND: Objection to the form.

19 THE WITNESS: It's 100 cc's in the first
20 one and 100 cc's in the second one.

21 BY MR. SABIS:

22 Q. So a total of 200 cc's?

23 A. Yes.

24 Q. What are the effects of that quantity of
25 midazolam on a person?

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OF IV TEAM MEMBER 1**

141

1 MR. SUTHERLAND: Object to the form.

2 THE WITNESS: I'm not sure.

3 BY MR. SABIS:

4 Q. Has anyone ever discussed that with you?

5 A. No, sir.

6 Q. Have you received any training regarding
7 that issue?

8 A. No, sir.

9 Q. Have you ever researched that question
10 yourself?

11 A. No, sir.

12 Q. What happens if the prisoner is
13 responsive following administration of the second set
14 of midazolam syringes?

15 MR. SUTHERLAND: Object to the form.

16 THE WITNESS: I'm not sure.

17 BY MR. SABIS:

18 Q. Does the protocol provide for that
19 contingency?

20 A. It does not.

21 Q. Who would have the authority to decide
22 what to do in that situation?

23 MR. SUTHERLAND: Object to -- object to
24 the form. You can answer, if you know.

25 THE WITNESS: I'm not sure.

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1 BY MR. SABIS:

2 Q. What happens if the prisoner is not
3 deceased after the first set of syringes of all three
4 drugs is administered?

5 A. We move to the second set.

6 Q. What if the prisoner is not deceased
7 after the full second set has been administered?

8 A. I'm not sure.

9 Q. Have you ever received training on that
10 scenario?

11 A. No, sir.

12 Q. Have you ever received training on a
13 scenario where the first set of syringes does not
14 result in death?

15 A. Training-wise? That was the question?

16 Q. Yes. Have you ever been trained -- have
17 you ever received training on what happens if the first
18 set of syringes does not result -- result in death?

19 A. Yes, sir.

20 Q. Which training did you receive that
21 training in?

22 A. The training several times during the
23 course of the training. It just depends on what the
24 Warden does on that day. But oftentimes he will
25 simulate that the first set did not work and we start

1 the second set.

2 Q. Is this during the monthly trainings?

3 A. Yes, sir.

4 Q. How many monthly trainings have you
5 attended, would you estimate, during your time on the
6 IV Team?

7 A. I miss very few. I try to attend all of
8 them unless there's an obligation with my primary job
9 that interferes.

10 Q. Would you say less than ten?

11 MR. SUTHERLAND: Object to the form.

12 THE WITNESS: Since when?

13 BY MR. SABIS:

14 Q. Since you've become a member of the IV
15 Team, would you say you've attended less or more than
16 ten monthly trainings?

17 A. More than ten.

18 Q. Would you say more than 20?

19 A. Yes.

20 MR. SUTHERLAND: Object to the form.

21 BY MR. SABIS:

22 Q. More than 30?

23 MR. SUTHERLAND: Same objection.

24 THE WITNESS: I'm not sure. I think I've
25 been there about three, about three and-a-half,

1 maybe four years. Maybe three. And if we're
2 doing them every month, I've -- I've missed a
3 handful.

4 But not very often do I miss. I try to
5 attend training when it's scheduled.

6 BY MR. SABIS:

7 Q. What happens if, during an execution, if
8 the IV catheter is dislodged?

9 A. I've never seen it happen. It's taped in
10 place. If it would, I'd assume we'd go to the -- the
11 other IV.

12 Q. Have you received training on that
13 scenario?

14 A. Not specifically the scenario that you
15 mentioned about becoming disconnected.

16 Q. What happens if the IV catheter is
17 infiltrated?

18 A. What do you mean when you say
19 "infiltrated?"

20 MR. SUTHERLAND: Object to the form.

21 BY MR. SABIS:

22 Q. All right. Do you know what happens if
23 the IV catheter becomes blocked?

24 A. We would go to the second IV.

25 Q. What happens if the prisoner shows signs

1 of severe pain during the execution?

2 MR. SUTHERLAND: Object to the form.

3 THE WITNESS: I'm not sure.

4 BY MR. SABIS:

5 Q. Have you ever seen this before?

6 A. No, sir.

7 Q. Do you monitor the prisoner for signs of
8 severe pain?

9 A. I'm not sure what a sign of severe pain
10 would look like. Typically, after the midazolam is
11 started, the inmate is unconscious. I haven't seen
12 anything other than that.

13 Q. Does anyone on the Execution Team observe
14 the prisoner for signs of severe pain?

15 MR. SUTHERLAND: Object to the form.

16 THE WITNESS: I'm not sure.

17 BY MR. SABIS:

18 Q. What would you do if you saw that a
19 prisoner was in severe pain after the first injection?

20 A. If the inmate appeared to be in some type
21 of distress and was not unconscious after the first
22 injection, I would immediately notify the Executioner
23 so he could notify the Warden.

24 Q. Would the Executioner have the authority
25 to stop the procedure?

1 MR. SUTHERLAND: Object to the form.

2 THE WITNESS: I'm not sure.

3 BY MR. SABIS:

4 Q. Would the Warden have the authority to
5 stop the procedure?

6 MR. SUTHERLAND: Same objection.

7 THE WITNESS: I'm not sure.

8 BY MR. SABIS:

9 Q. Have you ever received training on what
10 to do if the prisoner showed signs of severe pain after
11 the first injection?

12 A. No.

13 Q. Have you ever discussed this contingency
14 with anyone?

15 A. Not specifically if the inmate looked
16 like he was in severe pain, no.

17 Q. Have you ever discussed it with anyone
18 generally?

19 A. No, sir.

20 Q. What happens if the TDOC loses power and
21 the pan-tilt-zoom camera goes out during an execution?

22 MR. SUTHERLAND: Object to the form.

23 THE WITNESS: I'm not sure.

24 BY MR. SABIS:

25 Q. Have you ever trained on that scenario?

1 A. No, sir.

2 Q. Would you go to Page 32 of the protocol,
3 please, IV Team Member.

4 A. Okay.

5 Q. We've talked a bit about your training.
6 I might want to ask you about a few more details about
7 it.

8 If you take a look about halfway down on
9 Page 32, it says: "Additionally, the Warden or
10 designee holds a class during which the manual is
11 reviewed and clearly understood by all participants."

12 Do you see that?

13 A. Where is that again?

14 Q. It's in, if you take a look -- I
15 apologize. If you take a look in Section 1, under
16 "Training."

17 A. Okay. Yeah, I see it.

18 Q. When is that training held?

19 A. I don't know the exact day or month, but
20 we do it every year.

21 Q. So is that -- okay. Well, let me --
22 okay. Now that you've said that, let me ask this.

23 The last sentence in Section 1 says: "At
24 least annually, the Warden or designee holds an
25 execution manual review class for all members of the

1 Execution Team."

2 Is this review class the same as the annual
3 training mentioned earlier in Section 1?

4 MR. SUTHERLAND: Object to the form.

5 THE WITNESS: I'm not sure this --

6 BY MR. SABIS:

7 Q. Let me rephrase. I apologize. Let me
8 rephrase.

9 The annual training that's discussed in
10 the last sentence of Section 1; is that the same
11 training that is discussed in the sentence before?

12 THE WITNESS: One second.

13 (Technical pause.)

14 THE WITNESS: My foot accidentally
15 knocked a wire loose. I put it back.

16 And I'm sorry, can you ask the question
17 one more time?

18 BY MR. SABIS:

19 Q. The training that is described, the
20 annual training that is described in the last sentence
21 of Section 1; is that the same training that is
22 described in the sentence before in Section 1?

23 MR. SUTHERLAND: I'm going to object to
24 the form of that question, and he can answer it if
25 he knows.

1 THE WITNESS: I'm not sure, but we do
2 have an annual training with the whole team
3 annually.

4 BY MR. SABIS:

5 Q. When you become a new member of the
6 Execution Team, do you attend a class that is different
7 from the annual training described in the last sentence
8 in Section 1?

9 A. I can only speak for myself. When I
10 became a member, I met with the Warden. He gave me
11 time to go over the entire manual, the process. Talked
12 to me about if I had any questions or concerns. And
13 then I started attending the training.

14 Then annually the entire team gets
15 together, and the Warden goes over the training page by
16 page from beginning to the end.

17 Q. That initial meeting you just described
18 with the Warden where you reviewed the manual, was that
19 the training that's described in the second sentence of
20 Section 1, where it says: "Additionally, the Warden or
21 designee holds a class during which the manual is
22 reviewed?"

23 MR. SUTHERLAND: Objection to the form.

24 THE WITNESS: I don't know if that's
25 specifically what that's talking about or not,

1 when it says "a class." It don't specify if it's
2 for a new person or not.

3 BY MR. SABIS:

4 Q. You have mentioned during your testimony
5 today receiving IV Team training, attending annual
6 training, and attending monthly trainings.

7 Have you attended any trainings other than
8 those that I just listed?

9 A. No, sir.

10 Q. Now, going back to that last sentence in
11 Section 1: "At least annually, the Warden or designee
12 holds an execution manual review class for all members
13 of the Execution Team." What's covered in the review
14 class?

15 MR. SUTHERLAND: Objection to the form.

16 THE WITNESS: It covers the entire
17 manual, from the front to back.

18 BY MR. SABIS:

19 Q. When did you most recently attend this
20 class?

21 A. It would have been last year sometime.

22 Q. Who else attends these classes?

23 MR. SUTHERLAND: Objection to the form.

24 THE WITNESS: The entire -- the entire
25 team.

1 BY MR. SABIS:

2 Q. If you miss one of these classes, do you
3 need to make it up?

4 A. I would say yes, because if you're on the
5 team you have to have that every year.

6 Q. Are you referring to the annual training?

7 A. Yes.

8 Q. If you miss one of the monthly trainings
9 that you've described, do you have to make that up?

10 MR. SUTHERLAND: Objection to the form.

11 THE WITNESS: I have not.

12 BY MR. SABIS:

13 Q. Have you reviewed the protocol
14 individually outside of the classes and trainings?

15 A. Yes.

16 Q. Why?

17 A. Just as a refresher. And typically, if
18 an execution is coming up I review the protocol manual
19 just on my own to make sure my mind's refreshed and to
20 go over things.

21 Q. Is that individual review a requirement
22 by TDOC?

23 A. Not that I know of.

24 Q. Is it required by the Warden?

25 A. Not that I know --

1 MR. SUTHERLAND: Objection.

2 THE WITNESS: Sorry. Not that I know of.

3 BY MR. SABIS:

4 Q. Please read Item 2 on Page 32. Let me
5 know when you're done.

6 (Witness reviews document.)

7 THE WITNESS: Okay.

8 BY MR. SABIS:

9 Q. How long does the simulation of Day 3
10 take?

11 A. It just depends on how often the Warden
12 wants to do it, if he's satisfied with how the
13 procedure or the process went.

14 It can vary. If he decides to switch to
15 the second set, it'll take a bit longer. Or if he
16 observes something that didn't look good, he's going to
17 want us to do it again.

18 So it could vary. It normally takes an
19 hour and 15, 20 minutes, and sometimes it can take
20 longer.

21 Q. What is the additional training that
22 takes place within two weeks of a scheduled execution?

23 A. We train and simulate Day 3 two days a
24 week.

25 Q. What's covered during those additional

1 trainings?

2 A. It's the -- it's the same exercise that
3 we do on regular training, except we are doing it twice
4 a week.

5 Q. When did you most recently participate in
6 a training related to your role on the Execution Team?

7 A. Last month. Or was it this month? It
8 might have been the first week of September. I don't
9 remember.

10 Q. Item 2 goes on to talk about simulations.
11 Do you see that?

12 A. Yes.

13 Q. It refers to volunteers playing the role
14 of condemned inmate and physician. Do you see that?

15 A. Yes.

16 Q. Who are the volunteers, without
17 identifying names?

18 A. TDOC staff.

19 Q. Have you ever played a role as a
20 condemned inmate?

21 MR. SUTHERLAND: Object to the form.

22 THE WITNESS: No, sir.

23 BY MR. SABIS:

24 Q. Have you ever played a role of a
25 physician in the simulation?

1 MR. SUTHERLAND: Object to the form.

2 THE WITNESS: No, sir.

3 BY MR. SABIS:

4 Q. When you say that TDOC staff are the
5 volunteers, are you referring to TDOC staff aside from
6 the members of the Execution Team?

7 A. No, sir; members of the Execution Team.

8 Q. Are all of the volunteers members of the
9 Execution Team?

10 MR. SUTHERLAND: Objection to the form.

11 THE WITNESS: Yes, sir.

12 BY MR. SABIS:

13 Q. Who fills the role of an Execution Team
14 member who is playing a volunteer during a simulation?

15 A. Just another member of the team.

16 Q. Are there any additional team members
17 added to the simulation?

18 A. Not that I know of.

19 Q. Is IV insertion simulated?

20 A. It's not simulated. It's -- it's done.

21 Q. How is that done?

22 MR. SUTHERLAND: Object to the form.

23 THE WITNESS: By an EMT that goes through
24 the process. Instead of using chemicals we
25 simulate with the solution, IV solution.

1 BY MR. SABIS:

2 Q. Has access been achieved in the
3 antecubital fossa during each simulation you've been a
4 part of?

5 A. Say that one more time?

6 Q. Sure. Has access been achieved in the
7 antecubital fossa during each simulation you've been a
8 part of?

9 MR. SUTHERLAND: Object to the --

10 THE WITNESS: Not all -- not -- I'm
11 sorry; go ahead, Scott.

12 MR. SUTHERLAND: Do you want to ask him
13 two questions, Chris? Object to the form.

14 BY MR. SABIS:

15 Q. Like during the simulations, does the
16 team attempt to achieve insertion of the IV into the
17 antecubital fossa?

18 A. So, yes, but they don't always get a good
19 line there. Sometimes they have to go to the back of
20 the hand or the wrist.

21 Q. About how often do they have to go to the
22 wrist?

23 A. It's not often, but I have seen it done
24 on several occasions.

25 Q. During the simulations, how does the

1 Execution Team practice push rate?

2 MR. SUTHERLAND: Object to the form.

3 THE WITNESS: They use the same thing; a
4 slow, steady push. I'm not sure that it's rated
5 in any kind of way, other than a slow push without
6 meeting resistance.

7 BY MR. SABIS:

8 Q. Is the speed of the saline push measured
9 in any way during the simulation?

10 MR. SUTHERLAND: Object to the form.

11 THE WITNESS: Not that I know of.

12 BY MR. SABIS:

13 Q. Is there a specific push rate that is
14 appropriate for any of the chemicals used in an
15 execution?

16 MR. SUTHERLAND: Object to the form.

17 THE WITNESS: Not that I know of.

18 BY MR. SABIS:

19 Q. Is the physician ever involved in any
20 training with the rest of the Execution Team?

21 A. No, sir.

22 Q. Is any other medical professional
23 involved in any training with the Execution Team?

24 A. Not other than the two EMTs.

25 Q. Is the pan-tilt-zoom camera turned on

1 throughout the entire practice session?

2 A. Yes, sir; from the time I get in to the
3 time we finish.

4 Q. Is it your responsibility to ensure that
5 the camera is operable?

6 MR. SUTHERLAND: Objection to the form.

7 THE WITNESS: It is mine, but I also have
8 a member of the IT Team on standby if there's any
9 problems.

10 BY MR. SABIS:

11 Q. IV Team Member, would you please go to
12 Page 31 of the protocol.

13 A. Okay.

14 Q. We've talked about how you're a member of
15 the IV Team. Without providing a name, who selected
16 you to be a member of the IV Team?

17 MR. SUTHERLAND: Object to the form,
18 based on his prior answer.

19 THE WITNESS: The Warden.

20 BY MR. SABIS:

21 Q. Did you apply for the position?

22 A. No, sir.

23 Q. How did you learn about the position?

24 A. The Warden.

25 Q. Did anyone recommend you for the

1 position?

2 A. I think I talked to the Commissioner
3 about it, and he asked me what my thoughts were and I
4 told him I didn't have a problem with it. And then I
5 was contacted by the Warden.

6 Q. You said you spoke to the Commissioner.
7 Did the Commissioner approach you or did you approach
8 the Commissioner?

9 A. No, I think we was talking about an
10 execution and the conversation came up.

11 Q. Who brought up the idea of you joining
12 the IV Team, you or the Commissioner?

13 A. I don't know if it was me or not, to be
14 honest with you.

15 Q. Did you have an interview for the
16 position?

17 A. I spoke with the Warden about it.

18 Q. What was discussed during the interview?

19 A. It was just I guess general questions
20 about how I felt about it, if I thought I could go
21 through with it if I was assigned to the team.

22 Talked about my ability to make sure that
23 we don't talk about it, about it being confidential.
24 We talked about being professional at all times. Just
25 stuff like that.

1 Q. Do you know if any other TDOC employees
2 applied for the position on the IV Team?

3 A. I don't know if the folks that's on there
4 applied or they was chosen, or -- or how that went.
5 I'm not sure. I didn't ask them.

6 Q. Going back briefly to your conversation
7 with the Commissioner, you said that you spoke to the
8 Commissioner. You were speaking to the Commissioner
9 about an execution when the topic came up of you
10 joining the IV Team. Am I right?

11 A. Yes, sir.

12 Q. Which execution were you discussing?

13 A. I don't remember. It was quite some time
14 ago, and it was just -- I'm not even sure if one was
15 coming up. I was talking about the execution detail,
16 and I really don't remember how that conversation came
17 up.

18 Q. What did the Commissioner say to you
19 during this conversation?

20 A. It would have been a brief conversation.
21 And I don't recall if he specifically asked me if I
22 wanted to be a member of the team or what my thought
23 was on it, or if I said something to the fact maybe of
24 "How do you get on the team?" And he probably would
25 have said, "The Warden is the one who makes the

1 appointments."

2 Q. What qualifications do you have for your
3 position on the IV Team?

4 MR. SUTHERLAND: Objection to the form.

5 THE WITNESS: I have all of those that's
6 listed: Length of service. Ability to remain
7 confidentiality. Maturity. Willingness to
8 participate. Satisfactory work performance.
9 Professionalism.

10 I'm assuming that someone made a
11 recommendation to the Warden, and a review of my
12 personnel file by the Warden prior to selection.

13 BY MR. SABIS:

14 Q. If you look at the bottom half of Page 31
15 of the protocol, it says: "The following positions on
16 the Execution Team are specialized and have specific
17 requirements."

18 Do you see that?

19 A. Yes, sir.

20 Q. Is your position considered specialized?

21 MR. SUTHERLAND: I'm going to object,
22 based on his prior answers on this very same
23 topic. You may answer.

24 THE WITNESS: Yes, sir.

25 BY MR. SABIS:

1 Q. Has anyone talked to you about replacing
2 IV Team Observer 1?

3 MR. SUTHERLAND: Same objection.

4 THE WITNESS: No, sir.

5 MR. SABIS: Well, let me clarify, Scott,
6 because I'm not trying to ask the same question
7 again.

8 BY MR. SABIS:

9 Q. Has any -- IV Team member, has anyone
10 talked to you personally about you replacing IV Team
11 Observer 1?

12 A. No, sir; not that I can -- I can recall.

13 MR. SABIS: Can we go off the record?

14 THE VIDEOGRAPHER: We are off the record
15 at 2:24 p.m.

16 (Recess at 2:24 p.m. to 2:31 p.m.)

17 THE VIDEOGRAPHER: We're back on the
18 record at 2:31 p.m.

19 MR. SABIS: IV Team Member, thank you
20 very much for putting up with me today. I'll only
21 keep you for a few more minutes.

22 BY MR. SABIS:

23 Q. Are you aware that some states perform
24 executions by firing squad?

25 A. No, sir.

1 Q. Do you carry a firearm?

2 A. I do.

3 Q. Do you carry a firearm in connection with
4 your work?

5 A. Yes, sir.

6 Q. I believe you mentioned earlier that you
7 do have firearms training; is that right?

8 A. Yes, sir.

9 Q. Were you required to complete firearms
10 training as an employee of TDOC?

11 A. Yes, sir.

12 Q. Without specifically identifying anyone
13 by name, who else at TDOC is qualified to use a
14 firearm?

15 A. All of the correctional officers, members
16 of specialized units in the law enforcement area.

17 Q. Anyone else?

18 A. Maybe a few executives. I'm not sure.

19 Q. Again, without specifically identifying
20 any individual person, do you know if any of the other
21 members of the Execution Team are qualified to use a
22 firearm?

23 A. No, sir; I do not.

24 Q. Does TDOC provide firearms training? The
25 answer is "Yes," right? I believe you've -- you've

1 experienced it, correct?

2 A. That's correct.

3 Q. Does TDOC have access to a firearms
4 range?

5 A. Yes, sir.

6 Q. Have you used the shooting range at TDOC?

7 A. I have.

8 Q. Does TDOC own firearms?

9 A. Yes, sir.

10 Q. Can TDOC readily acquire additional
11 firearms?

12 A. You mean to replace, or something that's
13 broke, or --

14 Q. To either replace or to just add --

15 A. Yes.

16 Q. -- to the stock equipment?

17 A. Yes, sir.

18 Q. Does TDOC own ammunition?

19 A. Yes, sir.

20 Q. Does TDOC have facilities where a firing
21 squad execution could take place?

22 MR. SUTHERLAND: I'm going to object and
23 instruct the witness not to answer, unless you
24 have more specific foundation to lay.

25 MR. SABIS: I mean, is that objection

1 based on some kind of privilege, Scott?

2 MR. SUTHERLAND: You're just saying
3 "firing squad," without giving him any information
4 about what's involved with a firing quad.

5 MR. SABIS: Well, right. But if he
6 doesn't have sufficient information to answer the
7 question he can certainly tell me that, Scott.

8 MR. SUTHERLAND: If he knows.

9 THE WITNESS: No, sir; I have no
10 knowledge.

11 BY MR. SABIS:

12 Q. If the law of the State of Tennessee
13 provided for it, could TDOC execute someone by firing
14 squad?

15 MR. SUTHERLAND: Same objection.

16 THE WITNESS: I'm not sure.

17 BY MR. SABIS:

18 Q. Would you personally be able to execute
19 someone in that way?

20 A. I'm not sure.

21 Q. What makes you unsure?

22 MR. SUTHERLAND: Object to the form. You
23 can answer.

24 THE WITNESS: I'm not the Executioner,
25 I'm the Observer.

1 MR. SABIS: Forgive me. Give me a moment
2 while I think.

3 THE WITNESS: Yes, sir.

4 (Pause.)

5 BY MR. SABIS:

6 Q. IV Team Member, is there anything you
7 said here today that you feel the need to clarify,
8 restate, or supplement?

9 A. No, sir.

10 Q. Did anybody speak to you or send you
11 messages during today's deposition?

12 A. No, sir.

13 Q. Did you take any notes during the
14 deposition today?

15 A. No, sir.

16 Q. Did you write any notes on any exhibits?

17 A. No, sir.

18 Q. Did you have any documents in the room
19 with you other than the exhibits that we discussed?

20 A. None.

21 MR. SABIS: Scott, I think I'm done.

22 MR. SUTHERLAND: All right. I certainly
23 don't have any questions. Thank you, Chris, for
24 how you handled the deposition, and thanks to
25 everybody else.

**VIDEOTAPED VIDEOCONFERENCE DEPOSITION
OF IV TEAM MEMBER 1**

166

1 MR. SABIS: Thank you all.

2 MR. SUTHERLAND: We're off the record.

3 THE VIDEOGRAPHER: We're off the record

4 at 2:36 p.m.

5 (Proceedings concluded at 2:36 p.m.)

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Gibson Court Reporting

C E R T I F I C A T E

STATE OF TENNESSEE

COUNTY OF KNOX

I, Rhonda S. Sansom, RPR, CRR, CRC, LCR #685,
licensed court reporter in and for the State of
Tennessee, do hereby certify that the above
videoconference deposition of IV TEAM MEMBER 1 was
reported by me and that the foregoing 166 pages of the
transcript is a true and accurate record to the best of
my knowledge, skills, and ability.

I further certify that I am not related
to nor an employee of counsel or any of the parties to
the action, nor am I in any way financially interested
in the outcome of this action.

I further certify that I am duly licensed
by the Tennessee Board of Court Reporting as a Licensed
Court Reporter as evidenced by the LCR number and
expiration date following my name below.



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Expiration Date: 6/30/22

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